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COMPILATION OF LAWS RELATING TO
THE QUARTERMASTER CORPS

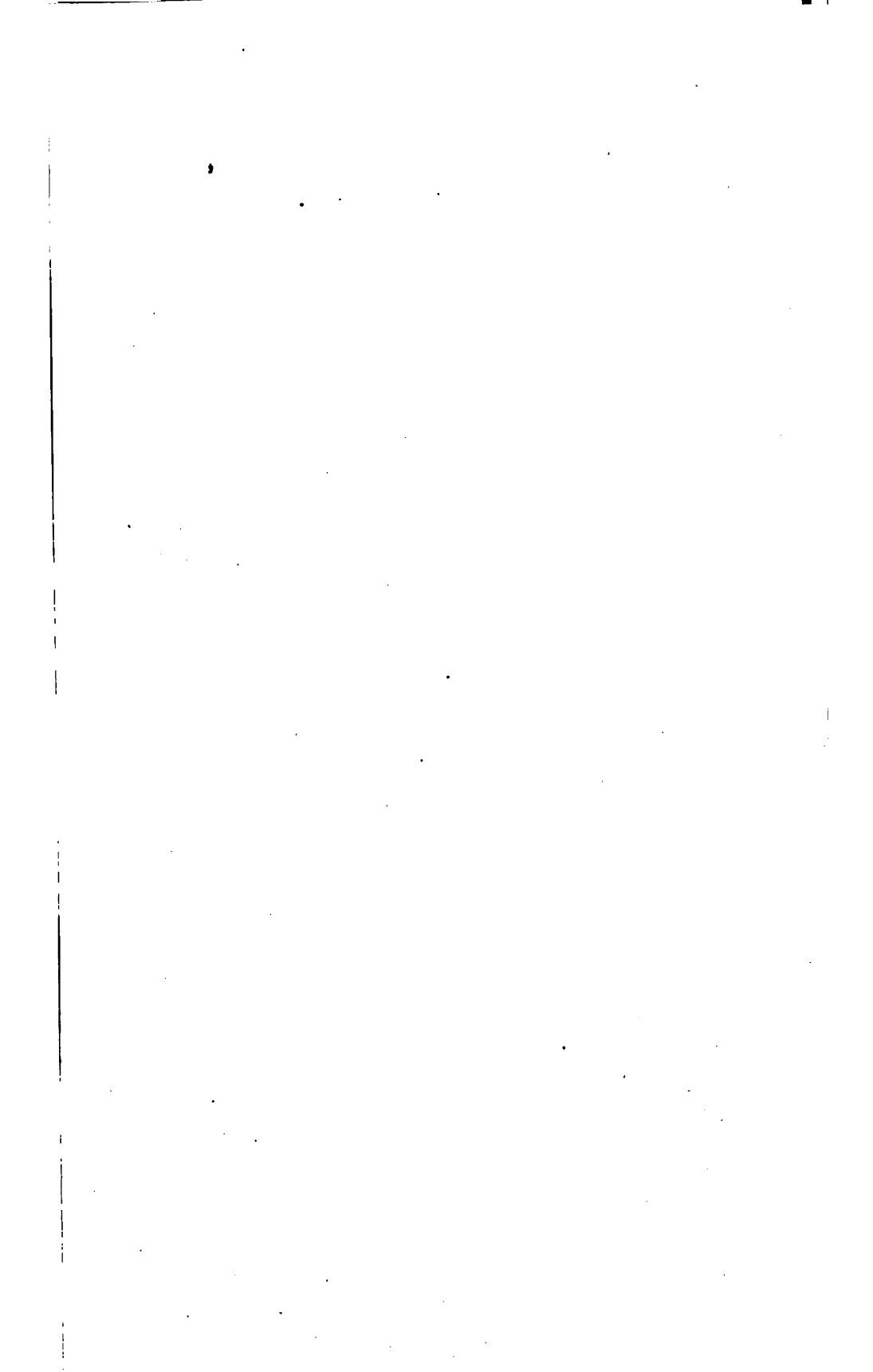
REVISED STATUTES AND STATUTES AT LARGE

GIFT OF











COMPILATION OF LAWS
(REVISED STATUTES AND STATUTES AT LARGE)

RELATING TO THE

QUARTERMASTER CORPS

U.S. Laws, statutes, etc.

COMPILED UNDER THE DIRECTION OF THE
QUARTERMASTER GENERAL OF THE ARMY



OF
CALIFORNIA

WASHINGTON
GOVERNMENT PRINTING OFFICE
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1918

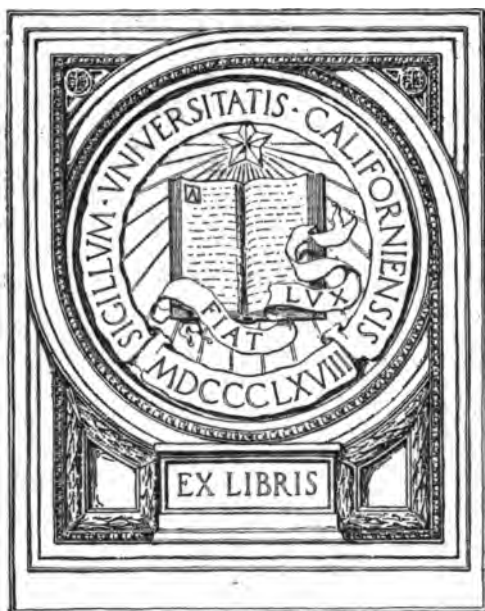
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NO. 1241
APR 1918

**TABLES OF STATUTES AT LARGE AND OF THE REVISED
STATUTES CITED HEREIN WITH THE PARAGRAPHS NOTED
IN WHICH THE CITATIONS OCCUR.**

Year.	Month.	Statute.	Page.	Section.	Amending.	Paragraph this compilation.
1873	Mar. 3	17	535			461.
1874	Apr. 20	18	33			1037.
1874	June 20	18	110			11.
1874	June 23	18	275			15.
1875	Mar. 3	18	410			1089, 1196.
1875	..do....	18	455	2		1225.
1875	..do....	18	467			348.
1875	..do....	18	479			1115.
1875	..do....	18	481			99, 100, 101, 102, 103.
1876	July 24	19	99			231.
1876	July 29	19	102			492.
1876	Aug. 7	19	126			478.
1876	Aug. 12	19	131			634.
1876	Aug. 15	19	169	5		896.
1876	..do....	19	203			1276.
1877	Feb. 27	19	242			1217.
1877	..do....	19	243		Sec. 1191, R. S.	24.
1877	..do....	19	243		Sec. 1270, R. S.	440, 484, 525.
1877	..do....	19	249		Sec. 3741, R. S.	187.
1877	..do....	19	249			167, 219, 1047, 1086, 1125, 1132, 1148, 1149.
1877	Mar. 3	19	335	5		220.
1877	..do....	19	370			1255.
1878	Apr. 10	20	36			212, 213.
1878	June 14	20	130	4		11, 74.
1878	June 18	20	150	7		501.
1878	..do....	20	150	8		441, 485.
1878	..do....	20	151	9		524.
1878	June 20	20	216			2.
1878	..do....	20	219			593.
1879	Feb. 3	20	281			237, 238.
1879	June 23	21	31			443.
1879	..do....	21	34			341, 342, 344.
1880	May 4	21	113			563.
1881	Jan. 21	21	317			3.
1881	Feb. 24	21	346			502.
1882	June 30	22	118			448, 498, 618.
1882	..do....	22	119			487.
1882	Aug. 5	22	238	1		1261.
1882	..do....	22	241	1		1254.
1882	..do....	22	255	4		16, 886, 938.
1883	Jan. 16	22	400	8		897.
1883	..do....	22	400	9		898.
1883	..do....	22	400	10		899.
1883	Mar. 3	22	456			505.
1883	..do....	22	487			212, 213.
1883	..do....	22	552	1		1255a.
1884	May 13	23	22	2		919.
1884	July 5	23	103	1		1015.
1884	..do....	23	104	6		1013.
1884	..do....	23	108			1197.
1884	..do....	23	109			168, 169, 200, 201, 203.
1884	..do....	23	111			1277.
1884	..do....	23	113			1051.
1884	..do....	23	147	4		1281.
1884	..do....	23	158	3		222, 223.
1884	July 7	23	254	2		107, 1119.
1885	Jan. 6	23	516			901.
1885	Mar. 3	23	350			75-82, inclusive.
1885	..do....	23	359			585.
1886	Dec. 20	24	351			327.
1887	Feb. 23	24	644			902.
1887	Mar. 3	24	535			253.
1888	Aug. 1	25	357	1		1006.
1888	..do....	25	357	2		1007.
1888	Aug. 8	25	387	1		33.
1888	..do....	25	387	2		34.
1889	Feb. 16	25	672			1309.
1889	Mar. 1	25	776	31		672.
1889	..do....	25	779	49		914.
1889	..do....	25	780			673.

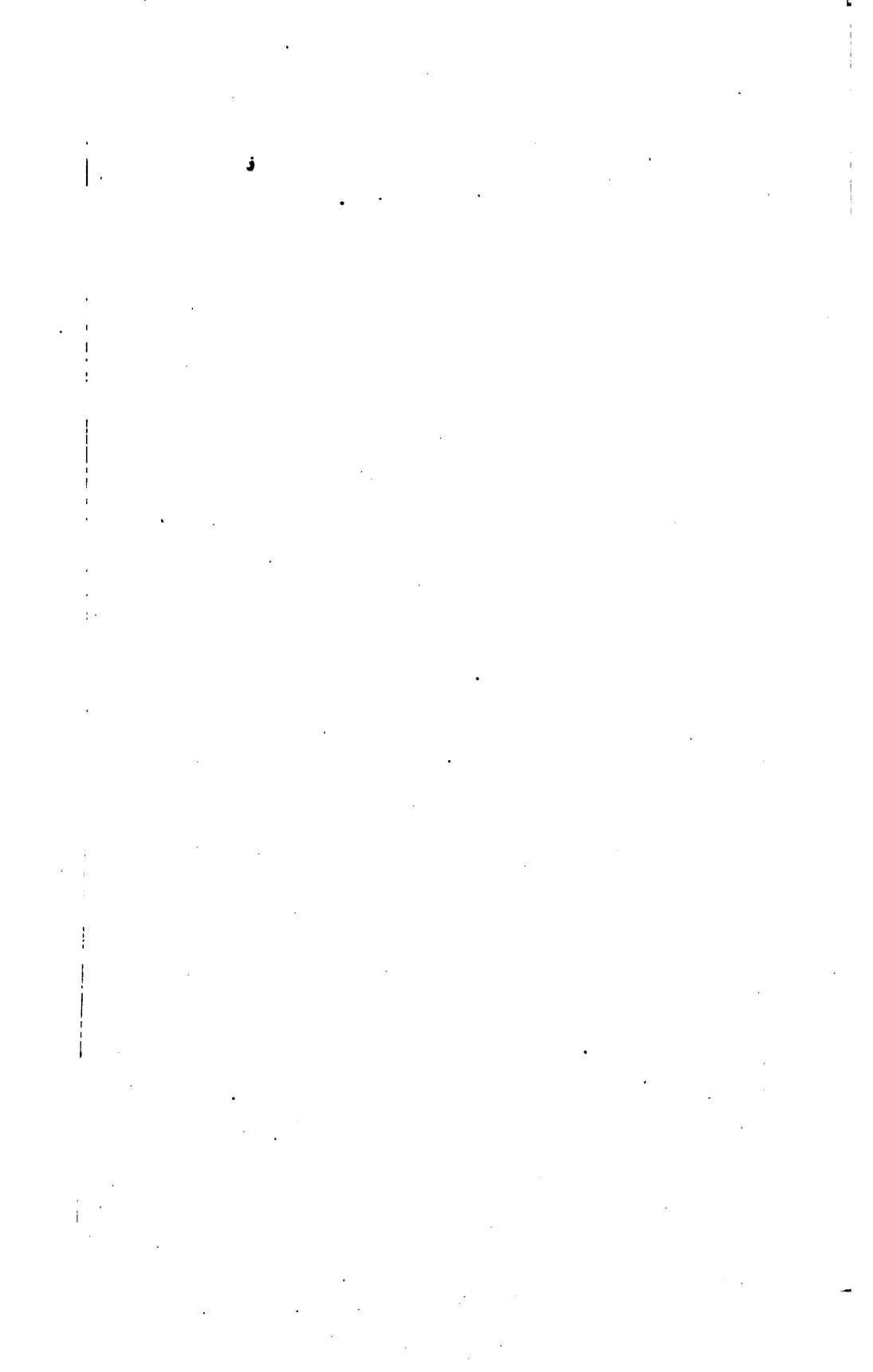
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VI STATUTES AT LARGE AND REVISED STATUTES CITED.

Tables of Statutes at Large and of the Revised Statutes cited herein with the paragraphs noted in which the citations occur—Continued.

Year.	Month.	Statute.	Page.	Section.	Amending.	Paragraph this compilation
1911	Mar. 3	26	1140	175		144.
1911	..do.	26	1140	177		145.
1911	..do.	26	1140	178		146.
1911	..do.	26	1140	179		147.
1911	..do.	26	1141	180		148.
1911	..do.	26	1142	181		150.
1911	..do.	26	1142	182		151.
1911	..do.	26	1142	184		152.
1911	..do.	26	1142	185		153.
1911	Mar. 4	26	1253			1028.
1911	..do.	26	1389			250.
1911	..do.	26	1399			254.
1911	..do.	26	1404	1		1253.
1912	..do.	37	72			377.
1912	June 19	37	137	1		1234.
1912	..do.	37	137	2		1235.
1912	July 30	37	240			260.
1912	Aug. 9	37	252			328, 358.
1912	..do.	37	254			334.
1912	..do.	37	263			363.
1912	..do.	37	264			360.
1912	Aug. 23	37	375			1041.
1912	..do.	37	413	4		891, 949.
1912	..do.	37	414	5		939.
1912	..do.	37	414	6		1084.
1912	..do.	37	414	7		1259.
1912	..do.	37	414	8		1209.
1912	..do.	37	415	9		1121.
1912	Aug. 24	37	440			235, 271.
1912	..do.	37	441			245, 273.
1912	..do.	37	487	7		4.
1912	..do.	37	487	8		878.
1912	..do.	37	555	6		950, 951.
1912	..do.	571, 645				455.
1912	..do.	37	575			596.
1912	..do.	37	575	1		288, 309.
1912	..do.	37	576			313.
1912	..do.	37	579			1158.
1912	..do.	37	586	1		108.
1912	..do.	37	589			1203.
1912	..do.	37	590	2		640, 644, 646, 648.
1912	..do.	37	591	2		631, 642, 1236.
1912	..do.	37	592	3		572.
1912	..do.	37	593			1238.
1912	..do.	37	594	6		503.
1912	Aug. 26	37	626	7		942.
1913	Feb. 7	37	663	1		268.
1913	..do.	37	663	2		269.
1913	Mar. 2	37	706			475, 476.
1913	..do.	37	708			1239.
1913	..do.	37	710			418.
1913	..do.	37	717			1220.
1913	..do.	37	719			534.
1913	..do.	37	1025			1186.
1913	Mar. 4	37	790	4		942.
1913	..do.	37	857			359.
1913	May 1	38	3	3		1257.
1913	June 23	38	31			257.
1913	..do.	38	75	3		1140.
1914	Mar. 14	38	768			241.
1914	Apr. 6	38	318	1		854.
1914	..do.	38	335			20.
1914	Apr. 25	38	350	11		408.
1914	..do.	38	350	13		409.
1914	Apr. 27	38	353			428.
1914	..do.	38	356			1237.
1914	..do.	38	357			456.
1914	..do.	38	381			1150, 1196.
1914	..do.	38	383			19.
1914	..do.	38	385			1275.
1914	..do.	38	390			1067.
1914	May 8	38	771	2		1187.
1914	July 6	38	454			67.
1914	July 16	38	509	5		23.
1914	..do.	38	509	6		946.
1914	July 17	38	512			1155, 1204.
1914	July 18	38	516			296, 452.
1914	Aug. 1	38	631			265, 274.
1914	..do.	38	680	10		1138.
1914	..do.	38	680	12		943.
1914	..do.	38	680	13		955.

Tables of Statutes at Large and of the Revised Statutes cited herein with the paragraphs noted in which the citations occur—Continued.

Year.	Month.	Statute.	Page.	Section.	Amending.	Paragraph this compilation.
1914	Aug. 4	38	682			1091.
1915	Jan. 28	38	804	2		115.
1915	Mar. 3	38	886	5		21.
1915	do.	38	889			447.
1915	Mar. 4	38	996	5		119.
1915	do.	38	1049	5		1072.
1915	do.	38	1049	6		947.
1915	do.	38	1065			629.
1915	do.	38	1066			1240, 1247.
1915	do.	38	1067			819, 820, 933.
1915	do.	38	1069			286, 373, 442, 526, 617.
1915	do.	38	1071			207, 208.
1915	do.	38	1077			83.
1915	do.	38	1078			8, 9, 472.
1915	do.	38	1078	1		173.
1915	do.	38	1079	1		1200.
1915	do.	38	1080			407, 1068.
1915	do.	38	1084			1205.
1915	do.	38	1084	2		814-822, inclusive
1915	do.	38	1084	3		823.
1915	do.	38	1085	4		599.
1915	do.	38	1137			1297.
1915	do.	38	1161	4		12.
1915	do.	38	1161	5		180.
1915	do.	38	1161			547.
1915	do.	38	1191			892.
1916	Feb. 28	39	15			1076.
1916	Mar. 21	39	37			242.
1916	Apr. 17	39	52			
1916	May 10	39	76			889.
1916	do.	39	120	5		888.
1916	do.	39	120	6		941.
1916	May 18	39	123			757.
1916	June 3	39	168	5		314, 315, 316.
1916	do.	39	170	9		523, 1241, 1232.
1916	do.	39	173	10		588, 1018.
1916	do.	39	175	13		290.
1916	do.	39	176	15		434.
1916	do.	39	176	16		538-545, inclusive.
1916	do.	39	181	21		390-393, inclusive.
1916	do.	39	181	22		394.
1916	do.	39	183	24		556, 559.
1916	do.	39	183	25		458, 459.
1916	do.	39	185	26		396-399, inclusive.
1916	do.	39	186	27		637, 641, 645, 647, 649, 824, 825, 1103.
1916	do.	39	186	28		573.
1916	do.	39	187	29		625, 626, 630.
1916	do.	39	187	30		786.
1916	do.	39	187	31		787, 788, 789.
1916	do.	39	187	32		790, 791, 792, 793, 794.
1916	do.	39	188	33		795.
1916	do.	39	188	34		607.
1916	do.	39	188	35		632.
1916	do.	39	189, 190	37		725-729, inclusive; 731, 732-737, inclusive.
1916	do.	39	190	38		728-741, inclusive.
1916	do.	39	191	39		742-746, inclusive.
1916	do.	39	191	40		748.
1916	do.	39	191	41		749, 750.
1916	do.	39	191	42		751, 752.
1916	do.	39	192	43		753.
1916	do.	39	192	44		754.
1916	do.	39	192	45		596, 755.
1916	do.	39	192	46		756.
1916	do.	39	192	47		758.
1916	do.	39	193	48		762, 763.
1916	do.	39	193	50		764.
1916	do.	39	193	51		765.
1916	do.	39	193	52		767.
1916	do.	39	193	53		768, 769, 770.
1916	do.	39	194	54		771-773, inclusive.
1916	do.	39	195-196	55		796-813, inclusive.
1916	do.	39	197	56		759.
1916	do.	39	197	58		660.
1916	do.	39	199, 200	67		661, 662, 663, 709, 710, 711, 713, 714, 715, 716.
1916	do.	39	200	69		665, 669.
1916	do.	39	201	72		665.
1916	do.	39	201	77		666, 667.
1916	do.	39	202	78		721, 722.
1916	do.	39	202	79		723.
1916	do.	39	203	80		915.

VIII STATUTES AT LARGE AND REVISED STATUTES CITED.

Tables of Statutes at Large and of the Revised Statutes cited herein with the paragraphs noted in which the citations occur—Continued.

Year.	Month.	Statute.	Page.	Section.	Amending.	Paragraph this compilation.
1916	June 3	39	203	81	.....	705.
1916	do.	39	203	82	.....	680.
1916	do.	39	203	83	.....	681, 682, 717.
1916	do.	39	204	84	.....	683.
1916	do.	39	204	85	.....	684.
1916	do.	39	204	86	.....	718, 719.
1916	do.	39	204	87	.....	685-689, inclusive.
1916	do.	39	205	88	.....	720.
1916	do.	39	205	89	.....	691, 693.
1916	do.	39	205	90	.....	694.
1916	do.	39	206	93	.....	695.
1916	do.	39	206	94	.....	674, 675, 676.
1916	do.	39	206	97	.....	677.
1916	do.	39	206	98	.....	678.
1916	do.	39	207	99	.....	696, 697.
1916	do.	39	208	100	.....	473.
1916	do.	39	209	109	.....	701-703, inclusive.
1916	do.	39	209-210	110	.....	664, 700, 706, 707.
1916	do.	39	211	113	.....	777, 778, 780.
1916	do.	39	213	120	.....	189.
1916	do.	39	216	125	.....	1303, 1305-1306, inclusive.
1916	do.	39	217	126	.....	624, 655, 656.
1916	July 1	39	286	.....	.....	255.
1916	do.	39	287	.....	.....	278.
1916	do.	39	336	3	.....	1003.
1916	do.	39	336	4	.....	1139.
1916	do.	39	336	5	.....	1082.
1916	do.	39	336	.....	.....	1081.
1916	July 6	39	349	.....	.....	474.
1916	Aug. 11	39	498	.....	.....	361.
1916	do.	39	296	.....	.....	339.
1916	do.	39	497	.....	.....	329.
1916	do.	39	504	.....	.....	322.
1916	Aug. 29	39	547	9	.....	1019.
1916	do.	39	555	28	.....	1020.
1916	do.	39	582	.....	.....	941.
1916	do.	39	602	.....	.....	1298-1301, inclusive.
1916	do.	39	604	.....	.....	1268.
1916	do.	39	617	.....	.....	913.
1916	do.	39	622	.....	.....	1066.
1916	do.	39	624	.....	.....	583, 708, 894.
1916	do.	39	625	.....	.....	287.
1916	do.	39	625	1	.....	284, 285.
1916	do.	39	626	.....	.....	25, 367, 521.
1916	do.	39	627	.....	.....	555.
1916	do.	39	629	.....	.....	551.
1916	do.	39	630	.....	.....	1199.
1916	do.	39	633	.....	.....	1271.
1916	do.	39	634	.....	.....	1290.
1916	do.	39	635	.....	.....	178, 1156.
1916	do.	39	639	.....	.....	97.
1916	do.	39	644	.....	.....	522.
1916	do.	39	645	.....	.....	692, 1269.
1916	do.	39	646	1	.....	679.
1916	do.	39	648	.....	.....	776, 781, 782, 785.
1916	do.	39	649	.....	.....	427, 1304.
1916	do.	39	660	.....	.....	1188, 1189, 1190.
1916	do.	39	667	.....	.....	1160.
1916	Sept. 7	39	729	3	.....	1292.
1916	do.	39	729	5	.....	1293.
1916	do.	39	729	6	.....	1294.
1916	do.	39	729	8	.....	1295.
1916	do.	39	743	1	.....	956.
1916	do.	39	743	2	.....	957.
1916	do.	39	743	3	.....	958.
1916	do.	39	743	4	.....	959.
1916	do.	39	743	5	.....	960.
1916	do.	39	743	6	.....	961.
1916	do.	39	743	7	.....	962.
1916	do.	39	743	8	.....	963.
1916	do.	39	743	9	.....	964.
1916	do.	39	744	10	.....	965.
1916	do.	39	746	11	.....	966.
1916	do.	39	746	12	.....	967.
1916	do.	39	746	13	.....	968.
1916	do.	39	746	14	.....	969.
1916	do.	39	746	15	.....	970.
1916	do.	39	746	16	971.
1916	do.	39	746	17	972.
1916	do.	39	746	18	973.
1916	do.	39	746	19	974.

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Year.	Month.	Statute.	Page.	Section.	Amending.	Paragraph this compilation.
1916	Sept. 7	39	747	20	975.
1916	do	39	747	21	.....	976
1916	do	39	747	22	.....	977.
1916	do	39	747	23	.....	978.
1916	do	39	747	24	.....	979.
1916	do	39	747	25	.....	980.
1916	do	39	747	26	.....	981.
1916	do	39	747	27	.....	982.
1916	do	39	748	28	.....	983.
1916	do	39	748	28a	.....	984.
1916	do	39	748	29	.....	985.
1916	do	39	749	32	.....	986.
1916	do	39	749	35	.....	987.
1916	do	39	749	36	.....	988.
1916	do	39	749	37	.....	989.
1916	do	39	749	38	.....	990.
1916	do	39	749	39	.....	991.
1916	do	39	750	40	.....	992.
1916	do	39	750	41	.....	993.
1916	Sept. 8	39	810	.....	.....	993.
1916	do	39	830	4	.....	724.
1916	do	39	853	.....	.....	1135.
1917	Feb. 8	39	900	.....	.....	765.
1917	Mar. 3	39	1012	.....	.....	228.
1917	do	39	1046	6	.....	1270.
1917	do	39	1095	.....	.....	1134.
1917	do	39	1121	7	.....	926.
1917	Mar. 4	39	1192	.....	.....	927.
1917	do	39	1197	.....	.....	906.
1917	May 12	40	43	.....	.....	1025, 1026.
1917	do	40	45	.....	.....	179, 517.
1917	do	40	48	.....	.....	590.
1917	do	40	50	.....	.....	561, 569.
1917	do	40	52	.....	.....	1101.
1917	do	40	55	.....	.....	600.
1917	do	40	62	.....	.....	1207.
1917	do	40	65	.....	.....	1233.
1917	do	40	70	.....	.....	209, 516.
1917	do	40	71	.....	.....	774, 775.
1917	do	40	72	.....	.....	760.
1917	do	40	73	.....	.....	747, 895, 916.
1917	do	40	74	.....	.....	730.
1917	do	40	75	.....	.....	643, 930.
1917	May 18	40	81	7	.....	999.
1917	do	40	82	10	.....	627, 628, 658.
1917	do	40	82	11	.....	415, 574, 581.
1917	do	40	82	12	.....	479.
1917	May 29	40	90	.....	.....	399.
1917	June 14	40	181	.....	.....	351.
1917	July 24	40	244	3	.....	779.
1917	do	40	245	6	.....	575.
1917	do	40	245	8	.....	291-295, inclusive.
1917	do	40	246, 247	9	.....	416, 576.
1917	Sept. 24	40	295	12	.....	297, 512-515, inclusive.
1917	Oct. 6	40	357	.....	.....	1062.
1917	do	40	358	.....	.....	307.
1917	do	40	361	.....	.....	372.
1917	do	40	383	3	.....	537.
1917	do	40	383	6	.....	1075.
1917	do	40	383	7	.....	953.
1917	do	40	384	8	.....	931.
1917	do	40	385	.....	.....	932.
1917	do	40	393	.....	.....	431-433, inclusive; 602-604, inclusive; 935-937, inclusive.
1917	do	40	397	.....	.....	732, 1242.
1917	do	40	398	1	.....	453, 454.
1917	do	40	399	13	.....	826.
1917	do	40	399	14	.....	827.
1917	do	40	399	15	.....	828.
1917	do	40	400	16	829.
1917	do	40	400	20	830.
1917	do	40	400	21	831.
1917	do	40	400	22	832.
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COMPILATION OF LAWS RELATING TO THE QUARTERMASTER CORPS.

ADVERTISING.

1. *In newspapers, written authority necessary.*—No advertisement, notice, or proposal for any executive department of the Government, or for any bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such department; and no bill for any advertising or publication shall be paid unless there be presented with such bill a copy of such written authority.—*Sec. 3828, R. S.*

2. *Rates not to exceed commercial rates charged to individuals.*—Hereafter all advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise: *Provided, That * * ** the heads of the several departments may secure lower terms at special rates whenever the public interest requires it.—*Act of June 20, 1878 (20 Stat., 216).*

3. *Rates in District of Columbia.*—That all advertising required by existing laws to be done in the District of Columbia by any of the departments of the Government, shall be given to one daily and one weekly newspaper of each of the two principal political parties and to one daily and one weekly neutral newspaper: *Provided, That* the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspaper selected; nor shall any advertisement be paid for unless published in accordance with section thirty-eight hundred and twenty-eight of the Revised Statutes.—*Act of Jan. 21, 1881 (21 Stat., 317).*

APPROPRIATIONS.

4. *Permanent, how determined.*—No specific or indefinite appropriation made hereafter in any regular annual appropriation act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following five classes: "Rivers and Harbors," "Light-houses," "Fortifications," "Public Buildings," and "Pay of the Navy and Marine Corps," last specifically named in and excepted from the operations of the provisions of the so-called "covering-in act," approved June twentieth, eighteen hundred and seventy-four, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation act in which it is contained makes provision.—*Sec. 7, act of Aug. 24, 1912 (37 Stat., 487).*

5. *Total amount of, how determined.*—Hereafter the total amount appropriated in the various paragraphs of an appropriation act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein unless otherwise expressly provided.—*Act of May 28, 1896 (29 Stat., 148).*

6. *For contingent expenses; how apportioned.*—All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives, and in case said apportionments are waived or modified as herein provided the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provisions of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month.—*Sec. 3679, R. S., as amended by acts of Mar. 3, 1905 (33 Stat., 1257) and Feb. 27, 1906 (34 Stat., 49).*

7. *For equipment of bakehouses and post bakeries, etc.*—For the equipments of bakehouses to carry on post bakeries; for the necessary furniture, textbooks, paper, and equipments for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men of the Army.—*Annual appropriation acts.*

8. *Supplies, Services, and Transportation; combination of funds as.*—That all the money hereinbefore appropriated under the titles Subsistence of the Army, Regular Supplies—Quartermaster Corps, Incidental Expenses—Quartermaster Corps, Transportation of the Army and its Supplies, Water and Sewers at Military Posts, and Clothing and Camp and Garrison Equipage shall be disbursed and accounted for by officers and agents of the Quartermaster Corps as "Supplies, Services, and Transportation, Quartermaster Corps," and for that purpose shall constitute one fund.—*Act of Mar. 4, 1915 (38 Stat., 1078), and subsequent annual appropriation acts.*

9. *Available for purchases for future years.*—Hereafter funds appropriated for support of the Army may be used for the procurement of supplies to be held in store for issue to the Army during subsequent fiscal years.—*Act of Mar. 4, 1915 (38 Stat., 1079).*

10. *Annual report to be rendered to Congress.*—The Secretary of War shall make an annual report to Congress containing a statement of the appropriations

of the preceding fiscal year for the Department of War, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the thirtieth day of June preceding such report, remained unexpended. Such reports shall be accompanied by estimates of the probable demands which may remain on each appropriation.—*Sec. 228, R. S.*

11. Unexpended balances remaining on books of Treasury for two years.—From and after the first day of July, eighteen hundred and seventy-four, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, lighthouses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress: * * * *And provided further*, That this section shall not operate to prevent the fulfillment of contracts existing at the date of the passage of this act.—*Act of June 20, 1874 (18 Stat., 110), as amended by sec. 4, act of June 14, 1878 (20 Stat., 130).*

12. Unexpended balances, diversion of, construed as a new appropriation.—The reappropriation and diversion of the unexpended balance of any appropriation to a purpose other than that for which it was originally made shall be construed and accounted hereafter as a new appropriation and the unexpended balance shall be reduced by the sum proposed to be so diverted.—*Sec. 4, act of Mar. 4, 1915 (38 Stat., 1161).*

APPLICATION OF BALANCES.

13. To be applied only to expenses incurred during year.—All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.—*Sec. 3690, R. S.*

14. Disposition of after two years.—All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury, whose duty it is to settle accounts thereunder, and the auditor shall examine the books of his office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper departments shall have certified that it may be carried into the General Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated.—*Sec. 3691, R. S.*

15. Construction of public buildings; how long available; disposition of balances.—All moneys heretofore appropriated for the construction of public

buildings and now remaining to the credit of the same on the books of the Treasury Department, or which may hereafter be appropriated for such buildings, shall remain available until the completion of the work for which they are, or may be, appropriated. And upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be immediately covered into the Treasury.—*Act of June 23, 1874 (18 Stat., 275).*

16. *Accruing from lapsed salaries.*—Thereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury.—*Sec. 4, act of Aug. 5, 1882 (22 Stat., 255).*

LIMITATIONS GOVERNING.

17. *Official or clerical compensation.*—No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation.—*Sec. 3682, R. S.*

18. *Post gardens and exchanges.*—Hereafter no money appropriated for the support of the Army shall be expended for post gardens or exchanges, but this proviso shall not be construed to prohibit the use by post exchanges of public buildings or public transportation when, in the opinion of the Quartermaster General, not required for other purposes.—*Act of July 16, 1892 (27 Stat., 178).*

19. *Horse races; expenses of officers, enlisted men, or horses attending.*—Hereafter no part of this or any other appropriation shall be expended for defraying expenses of officers, enlisted men, or horses in attending or taking part in horse shows or horse races; but nothing in this proviso shall be held to apply to the officers, enlisted men, and horses of any troop, battery, or company which shall, by order or permission of the Secretary of War, and within the limits of the United States, attend any horse show or any State, county, or municipal fair, celebration, or exhibition.—*Act of Apr. 27, 1914 (38 Stat., 363).*

20. *Accountants or other experts.*—That no part of any money appropriated in this or any other act shall be used for compensation or payment of expenses of accountants or other experts in inaugurating new or changing old methods of transacting the business of the United States or the District of Columbia unless authority for employment of such service or payment of such expenses is stated in specific terms in the act making provision therefor and the rate of compensation for such services or expenses is specifically fixed therein, or to be used for compensation of or expenses for persons, aiding or assisting such accountants or other experts, unless the rate of compensation of or expenses for such assistants is fixed by officers or employees of the United States or District of Columbia having authority to do so, and such rates of compensation or expenses so fixed shall be paid only to the person so employed.—*Sec. 5, act of Apr. 6, 1914 (38 Stat., 335).*

21. *Typewriting machines.*—That no part of any money appropriated by this act shall be used during the fiscal year nineteen hundred and sixteen for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and substantially the same model of machine during the period of the fiscal years nineteen hundred and thirteen and nineteen hundred and fourteen; such price

shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service.—*Sec. 5, act of Mar. 3, 1915 (38 Stat., 386).*

NOTE.—Substantially this same provision appears in subsequent annual appropriation acts.

22. Expenditures not to exceed appropriations.—No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law.—*Sec. 3679, R. S., as amended by acts of Mar. 3, 1905 (33 Stat., 1257), and Feb. 27, 1906 (34 Stat., 49).*

23. Motor-propelled or horse-drawn passenger-carrying vehicles.—No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year nineteen hundred and fifteen there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year nineteen hundred and sixteen and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used.—*Sec. 5, act of July 16, 1914 (38 Stat., 508).*

NOTE.—Held, that ordinary motorcycles are passenger-carrying vehicles within the prohibition of the act.—*Comp. Treas., Sept. 8, 1916, W. D. Bulletin No. 39, Oct. 6, 1916.*

BONDS—OFFICERS.

24. Of disbursing officers.—All officers of the Quartermaster's, Subsistence, and Pay Departments, the chief medical purveyor and assistant medical purveyor, and all storekeepers shall, before entering upon the duties of their respective offices, give good and sufficient bond to the United States, in such sums as the Secretary of War may direct, faithfully to account for all public moneys and property which they may receive. The President may, at any time, increase the sums so prescribed. (But the Quartermaster General shall not be liable for any money or property that may come into the hands of the subordinate officers of his department.)—*Sec. 1191, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 243).* (See par. 25.)

25. Provisions of section 1191, R. S., waived; when.—That hereafter the provisions of section eleven hundred and ninety-one of the Revised Statutes of the United States may, in the discretion of the Secretary of War, be waived in the cases of officers of the Quartermaster Corps who are not accountable for public funds or public property.—*Act of August 29, 1916 (39 Stat., 626).*

26. Increase of bonds.—* * * The President is authorized, if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be, required by law, of all * * * paymasters in the Army, commissary general, and all other officers employed in the disbursement of the public moneys, under the direction of the War or Navy Departments.—*Sec. 3639, R. S.*

27. Of special agents.—Whenever it becomes necessary for the head of any department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the department or office employing them may approve.—*Sec. 3614, R. S.*

EXAMINATION AND RENEWAL OF.

28. Examination of; how often.—Hereafter every officer required by law to take and approve official bonds shall cause the same to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; and every officer having power to fix the amount of an official bond shall examine it to ascertain the sufficiency of the amount thereof and approve or fix said amount at least once in two years and as much oftener as he may deem it necessary.—*Sec. 5, act of Mar. 2, 1895 (28 Stat., 807).*

29. Renewal of; how often.—Hereafter every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deem such action necessary. In the discretion of such officer the requirements of a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year-term of service pending the appointment and qualification of his successor.—*Ibid.*

30. Renewal of, disbursing officers.—All disbursing officers of the pay department shall renew their bonds or furnish additional security at least once in four years, and as much oftener as the President may direct.—*Sec. 1192, R. S.*

LIABILITY OF SURETIES; RELEASE.

31. Nonperformance of requirements not to affect liability.—The nonperformance of any requirement of this section on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States.—*Act of Mar. 2, 1895 (28 Stat., 807).*

32. Duration of liability.—The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal.—*Ibid.*

33. Deficiencies to be reported.—Hereafter, whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of department to at once notify all obligors upon the bond or bonds of said official of the nature of

such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post office in the city of Washington, District of Columbia, addressed to said sureties, respectively, and directed to the respective post offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond.—*Sec. 1, act of Aug. 8, 1888 (25 Stat., 387).*

84. Release of sureties.—If, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money by the accounting officers of the Treasury, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness.—*Sec. 2, ibid.*

SURETY COMPANIES AS SURETIES.

85. Bonds executed by, accepted as surety.—Whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified, is by the laws of the United States required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by a corporation incorporated under the laws of the United States or of any State having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds and undertakings in judicial proceedings.—*Sec. 1, act of Aug. 13, 1894 (28 Stat., 279).*

86. Approval of, by whom; discrimination forbidden.—That such recognizance, stipulation, bond, or undertaking be approved by the head of department, court, judge, officer, board, or body executive, legislative, or judicial required to approve or accept the same. But no officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular guarantee company.—*Ibid.*

87. Agents to be appointed in judicial districts where surety undertaken.—No such company shall do business under the provisions of this act beyond the limits of the State or Territory under whose laws it was incorporated and in which its principal office is located nor beyond the limits of the District of Columbia, when such company was incorporated under its laws or the laws of the United States and its principal office is located in said District, until it shall, by a written power of attorney, appoint some person residing within the jurisdiction of the court for the judicial district wherein such suretyship is to be undertaken, who shall be a citizen of the State, Territory, or District of Columbia, wherein such court is held, as its agent, upon whom may be served all lawful process against such company, and who shall be authorized to enter an appearance in its behalf.—*Sec. 2, ibid.*

88. Copy of power of attorney to be filed with clerk of court.—A copy of such power of attorney, duly certified and authenticated, shall be filed with the clerk of the district court of the United States for such district at each place where a term of such court is or may be held, which copy, or a certified copy thereof, shall be legal evidence in all controversies arising under this act.—*Ibid.*

39. Vacancies ; service of process.—If any such agent shall be removed, resign, or die, become insane, or otherwise incapable of acting, it shall be the duty of such company to appoint another agent in his place, as hereinbefore prescribed, and until such appointment shall have been made, or during the absence of any agent of such company from such district, service of process may be upon the clerk of the court wherein such suit is brought, with like effect as upon an agent appointed by the company. The officer executing such process upon such clerk shall immediately transmit a copy thereof by mail to the company, and state such fact in his return. A judgment, decree, or order of the court entered or made after service of process as aforesaid shall be as valid and binding on such company as if served with process in said district.—*Ibid.*

40. Jurisdiction of United States courts.—Any surety company doing business under the provisions of this act may be sued in respect thereof in any court of the United States which has now or hereafter may have jurisdiction of actions or suits upon such recognizance, stipulation, bond, or undertaking in the district in which such recognizance, stipulation, bond, or undertaking was made or guaranteed, or in the district in which the principal office of such company is located. And for the purposes of the act such recognizance, stipulation, bond, or undertaking shall be treated as made or guaranteed in the district in which the office is located, to which it is returnable, or in which it is filed, or in the district in which the principal in such recognizance, stipulation, bond, or undertaking resided when it was made or guaranteed.—*Sec. 5. ibid, p. 280.*

41. Forfeiture of rights on failing to pay judgments.—If any such company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such recognizance, stipulation, bond, or undertaking made or guaranteed by it under the provisions of this act, from which no appeal, writ of error, or supersedeas has been taken for thirty days after the rendition of such judgment or decree, it shall forfeit all right to do business under this act.—*Sec. 6. ibid.*

42. Companies estopped from denying power.—Any company which shall execute or guarantee any recognizance, stipulation, bond, or undertaking under the provisions of this act shall be estopped, in any proceeding to enforce the liability which it shall have assumed to incur to deny its corporate power to execute or guarantee such instrument or assume such liability.—*Sec. 7. ibid.*

43. Penalty for failing to comply with provisions.—Any company doing business under the provisions of this act which shall fail to comply with any of its provisions shall forfeit to the United States for every such failure not less than five hundred dollars nor more than five thousand dollars, to be recovered by suit in the name of the United States in the same courts in which suit may be brought against such company under the provisions of this act, and such failure shall not affect the validity of any contract entered into by such company.—*Sec. 8. ibid.*

44. Copy of charter to be filed with Secretary of Treasury.—Every company, before transacting any business under this act, shall deposit with the Secretary of the Treasury of the United States a copy of its charter or articles of incorporation, and a statement, signed and sworn to by its president and secretary, showing its assets and liabilities. If the said Secretary of the Treasury shall be satisfied that such company has authority under its charter to do the business pro-

vided for in this act, and that it has a paid-up capital of not less than two hundred and fifty thousand dollars, in cash or its equivalent, and is able to keep and perform its contracts, he shall grant authority in writing to such company to do business under this act.—*Sec. 3, act of Mar. 23, 1910 (36 Stat., 241).*

45. Reports to be filed.—Every such company shall, in the months of January, April, July, and October of each year, file with the said Secretary of the Treasury a statement, signed and sworn to by its president and secretary, showing its assets and liabilities, as is required by section three of this act.—*Sec. 4, ibid.*

46. Revoking authority, inquiries, etc.—The said Secretary of the Treasury shall have the power, and it shall be his duty, to revoke the authority of any such company to transact any new business under this act whenever in his judgment such company is not solvent or is conducting its business in violation of this act. He may institute inquiry at any time into the solvency of said company and may require that additional security be given at any time by any principal when he deems such company no longer sufficient security.—*Ibid.*

47. Premiums limited.—Until otherwise provided by law no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost more than thirty-five per centum in excess of the rate of premium charged for a like bond during the calendar year nineteen hundred and eight.—*Act of Aug. 5, 1909 (36 Stat., 125).*

48. Same.—*No part to be paid by United States.*—Hereafter the United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States.—*Ibid.*

BONDS—CONTRACTORS'.

TO SECURE PAYMENT FOR LABOR AND MATERIAL IN THE CONSTRUCTION OF PUBLIC WORKS.

49. Penal bond to include security for labor, etc.—Hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract.—*Act of Aug. 13, 1894 (28 Stat., 278), as amended by act of Feb. 24, 1905 (33 Stat., 811).*

50. Rights of persons, corporations, etc.—And any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States, the remainder shall be distributed pro rata among said interveners.—*Ibid.*

51. Action on bond for labor or material furnished; jurisdiction.—If no suit should be brought by the United States within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States in the circuit court of the United States in the district in which said contract was to be performed and executed, irrespective of the amount in controversy in such suit, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution.—*Ibid.*

52. Time limit.—Where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract, and not later.—*Ibid.*

53. Creditors limited to single action.—Where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within one year from the completion of the work under said contract, and not later.—*Ibid.*

54. Judgment where bond is inadequate.—If the recovery on the bond shall be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery.—*Ibid.*

55. Payment by sureties on bond.—The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the United States by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability.—*Ibid.*

56. Personal notice to creditors; publication of.—In all suits instituted under the provisions of this act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation, published in the State or town where the contract is being performed, for at least three successive weeks, the last publication to be at least three months before the time limited therefor.—*Ibid.*

CLAIMS AGAINST THE UNITED STATES.

PROSECUTION OF CLAIMS.

57. Subpœnas to witnesses.—Any head of a department or bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United States in any State, District, or Territory to issue a subpœna for a witness, being within the jurisdiction of such court, to appear at a time and place in the subpœna stated before any officer authorized

to take depositions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim.—*Sec. 184, R. S.*

58. Witnesses' fees.—Witnesses subpoenaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States.—*Sec. 185, R. S.*

59. Compelling testimony.—If any witness, after being duly served with such subpoena, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpoena issued may proceed, upon proper process, to enforce obedience to the subpoena or to punish the disobedience in like manner as any court of the United States may do so in case of process of subpoena ad testificandum issued by such court.—*Sec. 186, R. S.*

60. Professional assistance; how obtained.—Whenever any head of a department or bureau having made application pursuant to section one hundred and eighty-four, for a subpoena to procure the attendance of a witness to be examined, is of the opinion that the interests of the United States require the attendance of counsel at the examination, or require legal investigation of any claim pending in his department or bureau, he shall give notice thereof to the Attorney General, and of all facts necessary to enable the Attorney General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney General to provide for such service.—*Sec. 187, R. S.*

61. Evidence to be furnished by the departments in suits pending in the Court of Claims.—In all suits brought against the United States in the Court of Claims founded upon any contract, agreement, or transaction with any department, or any bureau, officer, or agent of a department, or where the matter or thing on which the claim is based has been passed upon and decided by any department, bureau, or officer authorized to adjust it, the Attorney General shall transmit to such department, bureau, or officer a printed copy of the petition filed by the claimant, with a request that the department, bureau, or officer shall furnish to the Attorney General all facts, circumstances, and evidence touching the claim in the possession or knowledge of the department, bureau, or officer. Such department, bureau, or officer shall, without delay and within a reasonable time, furnish the Attorney General with a full statement, in writing, of all such facts, information, and proofs. The statement shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the department, office, or place where the same is kept or may be procured. If the claim has been passed upon and decided by the department, bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based. In all cases where such decision was founded upon any act of Congress or upon any section or clause of such act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such act, section, or clause by the department, bureau, or officer the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it. Where any decision in the case has been based upon any regulation of a department or where such regulation has, in the opinion of the department, bureau, or officer transmitting such statement,

any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement. But where more than one case, or a class of cases is pending, the defense to which rests upon the same facts, circumstances, and proofs the department, bureau, or officer shall only be required to certify and transmit one statement of the same, and such statement shall be held to apply to all such cases as if made out, certified, and transmitted in each case respectively.—*Sec. 188, R. S.*

62. *Employment of attorneys or counsel.*—No head of a department shall employ attorneys or counsel at the expense of the United States, but when in need of counsel or advice shall call upon the Department of Justice, the officers of which shall attend to the same.—*Sec. 189, R. S.*

63. *Persons formerly in the departments not to prosecute claims in them within two years.*—It shall not be lawful for any person appointed after the first day of June, eighteen hundred and seventy-two, as an officer, clerk, or employee in any of the departments to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner nor by any means to aid in the prosecution of any such claim within two years next after he shall have ceased to be such officer, clerk, or employee.—*Sec. 190, R. S.*

64. *Oath of persons prosecuting claims.*—Any person prosecuting claims, either as attorney or on his own account, before any of the departments or bureaus of the United States shall be required to take the oath of allegiance and to support the Constitution of the United States, as required of persons in the civil service.—*Sec. 3478, R. S.*

65. *Who may administer the oath.*—The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered.—*Sec. 3479, R. S.*

CLAIMS OF DISLOYALISTS.

66. *Which accrued or existed prior to April 13, 1861.*—It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the thirteenth day of April, eighteen hundred and sixty-one, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto and distinctly in favor of its suppression; and no pardon heretofore granted or hereafter to be granted shall authorize the payment of such account, claim, or demand until this section is modified or repealed. But this section shall not be construed to prohibit the payment of claims founded upon contracts made by any of the departments where such claims were assigned or contracted to be assigned prior to the first day of April, eighteen hundred and sixty-one, to the creditors of such contractors, loyal citizens of loyal States, in payment of debts incurred prior to the first day of March, eighteen hundred and sixty-one.—*Sec. 3480, R. S. (Sec par. 67.)*

67. *Loyalty restriction repealed as to claims for service in Army prior to April 13, 1861.*—Section thirty-four hundred and eighty of the Revised Statutes of the United States be, and the same is hereby, repealed so far as it affects

payments for services in the Army of the United States prior to April thirteenth, eighteen hundred and sixty-one.—*Act of July 6, 1914 (38 Stat., 454).*

ASSIGNMENT OF CLAIMS—POWERS OF ATTORNEY.

68. *Execution of, in presence of witnesses, etc.*—All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the office; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney, to the person acknowledging the same.—*Sec. 3477, R. S.*

DEPARTMENT OF JUSTICE.

69. *Officers of, to perform all legal services required for other departments.*—The officers of the Department of Justice, under the direction of the Attorney General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of departments, and the heads of bureaus and other officers in the departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in the cases provided by section three hundred and sixty-three.—*Sec. 361, R. S.*

70. *Attendance of counsel.*—Whenever the head of a department or bureau gives the Attorney General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim, pending in such department or bureau, the Attorney General shall provide for such service.—*Sec. 364, R. S.*

EXAMINATION OF CLAIMS.

71. *Where there has not been an administrative examination.*—In the case of claims presented to an auditor which have not had an administrative examination, the auditor shall cause them to be examined by two of his subordinates independently of each other.—*Sec. 14, act of July 31, 1894 (28 Stat., 210).*

DECISIONS BY AUDITORS.

72. *Original constructions to be referred to comptroller for approval, modification, or disapproval.*—All decisions by auditors making an original construction or modifying an existing construction of statutes shall be forthwith re-

ported to the Comptroller of the Treasury, and items in any account affected by such decisions shall be suspended and payment thereof withheld until the Comptroller of the Treasury shall approve, disapprove, or modify such decisions, and certify his actions to the auditor. All decisions made by the Comptroller of the Treasury under this act shall be forthwith transmitted to the auditor or auditors whose duties are affected thereby.—*Sec. 8, ibid., p. 207.*

SETTLEMENT OF CLAIMS.

73. Public accounts to be settled in the Department of the Treasury.—All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the Department of the Treasury.—*Sec. 236, R. S.*

74. Where appropriations have lapsed.—It shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: Provided, That nothing in this act shall be construed to authorize the reexamination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law.—*Sec. 4, act of June 14, 1878 (20 Stat., 130).*

75. Accounting officers to settle claims of officers and men in military service for private property lost or destroyed.—That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service, under the following circumstances.—*Act of Mar. 3, 1885 (23 Stat., 350).*

76. When loss or destruction was without fault or negligence.—First. When such loss or destruction was without fault or negligence on the part of the claimant.—*Ibid.*

77. When shipped by order on unseaworthy vessels.—Second. Where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment.—*Ibid.*

78. When lost in saving property of the United States.—Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the same time and under similar circumstances.—*Ibid.*

79. Permanent appropriation in an indefinite amount.—And the amount of such loss so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full for all such loss or damage.—*Ibid.*

80. *To be held as finally determined.*—Any claim which shall be presented and acted on under authority of this act shall be held as finally determined and shall never thereafter be reopened or considered: *And provided further,* That this act shall not apply to losses sustained in time of war or hostilities with Indians.—*Ibid.*

81. *Liability limited to certain articles.*—The liability of the Government under this act shall be limited to such articles of personal property as the Secretary of War, in his discretion, shall decide to be reasonably useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service in the line of duty.—*Ibid.*

82. *To be presented within two years.*—All claims now existing shall be presented within two years and not after from the passage of this act, and all such claims hereafter arising be presented within two years from the occurrence of the loss or destruction.—*Ibid.*

83. *Loss or damage to regulation allowance of baggage.*—The provisions of the act of March third, eighteen hundred and eighty-five (Twenty-third Statute, page three hundred and fifty), entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," shall hereafter extend to cover loss of or damage to the regulation allowance of baggage of officers and enlisted men sustained in shipment under orders, to the extent of such loss or damage over and above the amount recoverable from the carrier furnishing the transportation.—*Act of Mar. 4, 1915 (38 Stat., 1077).*

84. *No deduction for attorneys' fees.*—In the settlement of claims of officers, soldiers, sailors and marines, or their representatives, and all other claims for pay and allowances within the jurisdiction of the Auditor for the War Department or the Auditor for the Navy Department, presented and filed hereafter in which it is the present practice to make deductions of attorney's fees from the amount found due, no deductions of fees for attorneys or agents shall hereafter be made, but the draft, check, or warrant for the full amount found due shall be delivered to the payee in person or sent to his bona fide post-office address (residence or place of business).—*Act of June 6, 1900 (31 Stat., 637).*

85. *Settled claims not to be reopened.*—Nothing in this act shall be construed to authorize the reexamination and payment of any claim or account which has heretofore been disallowed or settled.—*Sec. 23, act of July 31, 1894 (28 Stat., 211).*

86. *Revision of; when permissible.*—Any person accepting payment under a settlement by an auditor shall be thereby precluded from obtaining a revision of such settlement as to any items upon which payment is accepted; * * * any person whose accounts may have been settled * * * may, within a year, obtain a revision of the said account by the Comptroller of the Treasury, whose decision upon such revision shall be final and conclusive upon the executive branch of the Government.—*Sec. 8, act of July 31, 1894 (28 Stat., 208).*

87. *Repayment to certain States for expenses incurred in equipping volunteers.*—The Secretary of the Treasury is hereby directed, out of any money in

the Treasury not otherwise appropriated, to pay to the governor of any State or Territory, or to his duly authorized agents, the reasonable costs, charges, and expenses that have been incurred by him in aiding the United States to raise the Volunteer Army in the existing War with Spain, by subsisting, clothing, supplying, equipping, paying, and transporting men of his State or Territory who were afterwards accepted into the Volunteer Army of the United States: *Provided*, That the transportation paid for shall be only the transportation of such men from the place of their enrollment for service in the Volunteer Army of the United States to the place of their acceptance into the same by the United States mustering officer, and that the names of the men transported shall appear on the muster rolls of the Volunteer Army of the United States: *And provided further*, That such claims shall be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury.—*Act of July 8, 1898 (30 Stat., 730).*

88. *Interest not to be refunded.*—In cases where the money to pay said costs, charges, and expenses has been, or may hereafter be, borrowed by the governors or their respective States or Territories, and interest is paid, or may hereafter be paid, on the same, by the governors or their States or Territories, from the time it was or may be so borrowed to the time of its refundment by the United States, or thereafter, such interest shall not be refunded by the United States; nor shall any interest be paid the governors or their States or Territories on the amounts paid out by them, nor any other amount refunded or paid than is in this act expressly mentioned.—*Ibid.*

89. *Reimbursement of States for expenses incurred in equipping volunteers.*—That the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing War with Spain," approved July eighth, eighteen hundred and ninety-eight, be so amended that the Secretary of the Treasury shall be, and is hereby, authorized to allow, in the settlement of the claims of the governors of States and Territories for reimbursement under the provisions of the said act, expenses incurred after as well as before July eighth, eighteen hundred and ninety-eight.—*Act of Mar. 3, 1899 (30 Stat., 1356).*

90. *No reimbursement for members of militia, etc., not accepted as of same grade; compensation.*—No reimbursement shall be made for service of members of the National Guard, or Organized Militia, or Naval Reserves of any State or Territory who were not accepted into the Volunteer Army of the United States, and no reimbursement shall be allowed for payments made to any person in excess of the pay and allowances authorized by the laws of the State or Territory for the grade in which he was accepted into the Volunteer Army of the United States. That the compensation allowed by the laws of the States and Territories to officers and men of the National Guard, or militia, or Naval Reserves of said States and Territories shall be allowed to the States and Territories, or the governors of the States and Territories, as pay for such officers and men of said National Guard, or militia, or Naval Reserves as appeared and remained at the place of muster, and who were afterwards received into the service of the United States for the period between the date of assembly at the rendezvous and the date they were mustered into the United States service.—*Ibid.*

91. Rates of pay allowed.—In all States and Territories where no laws exist for the payment of the officers and men of the National Guard, or militia, or Naval Reserves there shall be allowed to said States and Territories, or the governors of said States and Territories, for the officers the same pay as allowed officers in the Regular Army holding the same rank, and for the men, one dollar per day, for such officers and men as appeared and remained at the place of muster and were afterwards received into the service of the United States for the period between the date of assembly at the rendezvous and the date they were mustered into the service of the United States: *Provided further*, That for all officers and men of the National Guard, or militia, or Naval Reserves of the States and Territories, who appeared at the rendezvous for muster, and were rejected by the medical examiner or mustering officer, pay shall be allowed for the same to the States and Territories or the governors of States and Territories, at the several rates as fixed aforesaid from the date of assembly to the date of their rejection: *Provided further*, That where States and Territories have not paid amounts to the officers and men or any part thereof, the pay allowed them by this act, the same shall be paid by the States and Territories direct to the officers and men, and no money allowed by this act for officers and men shall be covered into the treasury of the State or Territory.—*Ibid*.

92. Transportation to State rendezvous; no reimbursement for men not presenting themselves or afterwards rejected.—Under the appropriation made by said act the Secretary of the Treasury is hereby authorized to reimburse the governor of any State or Territory for reasonable expenses incurred by him for the actual transportation of the members of Organized Militia, or National Guard, or Naval Reserves of his State from the place of company, battalion, or regimental rendezvous to the State rendezvous, or place designated for examination and acceptance of the members of such organization into the Volunteer Army of the United States, and the actual transportation from such State rendezvous, or such place designated for examination and acceptance, to their respective company, battalion, or regimental rendezvous of such men as were rejected by the medical examiner or mustering officer: *Provided*, That no reimbursement shall be made for the transportation of any man who did not present himself for enrollment in the Volunteer Army of the United States as provided by law: *And provided further*, That the provisions of this section shall apply also to payments made by the governor of any State or Territory for the actual transportation of individual volunteers who presented themselves for enrollment in the Volunteer Army of the United States and who were rejected by the medical examiner or mustering officer.—*Sec. 2, ibid*.

93. Subsistence allowed, when.—Nothing in said act of July eighth, eighteen hundred and ninety-eight, shall be so construed as to prohibit the reimbursement of the governor of any State or Territory for reasonable expenses incurred for the subsistence of the members of any organization of the Organized Militia or National Guard, or Naval Reserves of his State or Territory after having been called out by the governor on or after April twenty-fifth, eighteen hundred and ninety-eight: *Provided*, That such organizations shall afterwards have been accepted into the Volunteer Army of the United States.—*Sec. 3, ibid*.

94. Unsettled accounts, expenses, etc.—The expenses incurred by the governors of States in carrying out the provisions of this act shall be paid to them, notwithstanding any unsettled accounts, claims, or indebtedness of the United States against their States, and without prejudice to such unsettled accounts: *Provided*, That when such unsettled account is caused by a default in

payment of principal or interest on any bonds or stock issued or guaranteed by any State, the ownership of which is vested in the United States, the Secretary of the Treasury be, and he is hereby, authorized and directed to institute any act or proceeding which he may consider advisable against such State or its representatives to secure the payment of the principal and interest of said bonds or stocks: *And provided further*, That where the governor of any State or Territory, or any officer of the Army detailed as mustering officer of volunteers, or any commander of a company or companies, or troop or troops, or battery, or battalion, or regiment, or brigade, has purchased or authorized the purchase of supplies or equipments, or incurred any necessary expense for the comfort of the men in camp or rendezvous, and said supplies were used and equipments were subsequently taken into the United States service by said volunteers, and no receipts given to such military officer, the certificate to that effect of the governor of the State or Territory to which the volunteers belonged shall be held sufficient to authorize the settlement and payment of such account on investigation, if the Treasury Department shall be satisfied of the fact of such purchase of such equipment and supplies, or that such necessary expenses were incurred and such use of such supplies, or such taking of such equipments into the United States service, and the voucher or vouchers of said officers be produced by said governor.—*Sec. 4, ibid.*

95. *Payment of accounts for transportation of troops, etc.*—That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the just and proper account or claim of any railroad, transportation company, or person for transportation of men or troops from place of enrollment to point of rendezvous, furnished at the request of the Quartermaster General of the Army or his agents, or at the request of any United States mustering officer or other officer authorized by the Secretary of War to enroll, muster, or mobilize volunteers for the War with Spain; and also to pay such just and proper accounts as may be presented for transportation back from point of rendezvous to place of enrollment of men who volunteered and were rejected by the medical examiner or mustering officer: *Provided*, That the amount allowed and paid for such transportation shall not be in excess of the rates charged for transporting troops of the United States under like circumstances. All claims under the provision of this act must be filed in the office of the Auditor for the War Department, and must be supported by proper vouchers or other conclusive evidence of interest.—*Sec. 5, ibid.*

96. *To be itemized; limit of time for presenting.*—All claims for reimbursement under this act or the act of July eighth, eighteen hundred and ninety-eight, shall be presented in itemized form to the Treasury Department on or before January first, nineteen hundred and two, or be forever barred.—*Sec. 6, ibid.*

NOTES.—1. Upon the question of compromise of claims against the United States, where adjustment is before executive officials, see cases of *Sweeney v. U. S.*, 17 Wall., 75, 77; *Mason v. U. S.*, *id.*, 87.

2. The filing of claims under authority of several of the acts of Congress are now barred by time limitation. Under sections 300A and 300B, Revised Statutes, the Quartermaster General and Commissary General were authorized to pass upon the merits of certain claims of loyal citizens for property furnished to the Army during the War of the Rebellion. This jurisdiction was withdrawn by the acts of March 3, 1883 (22 Stat., 457 and 485). Sections 3482 to 3487, Revised Statutes, provided for the reimbursement of officers and men for horses and other private property lost in the military service.

The scope was changed by several subsequent acts, and finally became inoperative as to general claims on August 13, 1889, and as to horses lost during the rebellion on August 13, 1891. The time for filing claims under the act of June 6, 1900, with reference to private property taken and used in the military service within the limits of the United States during the Spanish War, was limited to January 1, 1901. By section 3489, Revised Statutes, it is provided that no claims against the United States for collecting, drilling, or organizing volunteers for the War of the Rebellion shall be paid unless presented before June 30, 1874, nor for horses lost prior to January 1, 1872, unless presented before June 30, 1874. Under the act of February 27, 1902, the Quartermaster General was authorized to investigate claims for horses, etc., taken from Confederates in violation of the terms of surrender, but the limitation of time for filing such claims as finally extended by the joint resolution of June 25, 1910 (36 Stat., 883), was June 25, 1912.

97. Damages or loss of private property due to target practice, etc.—For payment of claims for damages to and loss of private property incident to the training, practice, and operations of the Army that have accrued, or may hereafter accrue, from time to time, to be immediately available and to remain available until expended: *Provided*, That settlement of such claims shall be made by the Auditor for the War Department, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages. * * *.—*Act of Aug. 29, 1916 (39 Stat., 639). (See annual appropriation acts.)*

98. Duplicate certificate of discharge not accepted as a voucher in settlement of claims.—Whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a certificate of such discharge, to be indelibly marked, so that it may be known as a certificate in lieu of a lost or destroyed discharge: *Provided*, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.—*Act of July 1, 1902 (32 Stat., 629).*

NOTES.—1. Upon the question of compromise of claims against the United States, where adjustment is before executive officials, see cases of *Sweeney v. U. S.*, 17 Wall., 75, 77; *Mason v. U. S.*, *id.*, 67.

2. The filing of claims under authority of several of the acts of Congress is now barred by time limitation. Under sections 300A and 300B, Revised Statutes, the Quartermaster General and Commissary General were authorized to pass upon the merits of certain claims of loyal citizens for property furnished to the Army during the War of the Rebellion. This jurisdiction was withdrawn by the acts of March 3, 1883 (22 Stat., 457 and 485). Sections 3482 to 3487, Revised Statutes, provided for the reimbursement of officers and men for horses and other private property lost in the military service. The scope was changed by several subsequent acts, and finally became inoperative as to general claims on August 13, 1889, and as to horses lost during the rebellion on August 13, 1891. The time for filing claims under the act of June 6, 1900, with reference to private property taken and used in the military service within the limits of the United States during the Spanish War, was limited to January 1, 1901. By section 3489, Revised Statutes, it is provided that no claims against the United States for collecting, drilling, or organizing volunteers for the War of the Rebellion shall be paid unless presented before June 30, 1874, nor for horses lost prior to January 1, 1872, unless presented before June 30, 1874. Under the act of February 27, 1902, the Quartermaster General was authorized to investigate claims for horses, etc., taken from Confederates in violation of the terms of surrender, but the limitation of time for filing such claims as finally extended by the joint resolution of June 25, 1910 (36 Stat., 883), was June 25, 1912.

SET-OFF.

99. Amount of debt due the United States to be withheld by Secretary of Treasury in paying judgments, etc., of debtor against United States.—When any final judgment recovered against the United States or other claim duly allowed by legal authority shall be presented to the Secretary of the Treasury for payment, and the plaintiff or claimant therein shall be indebted to the United States in any manner, whether as principal or surety, it shall be the duty of the Secretary to withhold payment of an amount of such judgment or claim equal to the debt thus due to the United States.—*Act of Mar. 3, 1875 (18 Stat., 481).*

100. Secretary to execute discharge; when.—If such plaintiff or claimant assents to such set-off and discharges his judgment or an amount thereof equal to said debt or claim, the Secretary shall execute a discharge of the debt due from the plaintiff to the United States.—*Ibid.*

101. Additional amount to be withheld when claimant denies debt.—But if such plaintiff or claimant denies his indebtedness to the United States, or refuses to consent to the set-off, then the Secretary shall withhold payment of such further amount of such judgment or claim as in his opinion will be sufficient to cover all legal charges and costs in prosecuting the debt of the United States to final judgment.—*Ibid.*

102. Duty of Secretary to sue on debt.—And if such debt is not already in suit, it shall be the duty of the Secretary to cause legal proceedings to be immediately commenced to enforce the same, and to cause the same to be prosecuted to final judgment with all reasonable dispatch.—*Ibid.*

103. Balance; how paid to claimant.—And if in such action judgment shall be rendered against the United States, or the amount recovered for debt and costs shall be less than the amounts so withheld, as before provided, the balance shall then be paid over to such plaintiff by such Secretary, with six per cent interest thereon for the time it has been withheld from the plaintiff.—*Ibid.*

PRIORITY OF UNITED STATES.

104. Priority established.—Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority hereby established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed.—*Sec. 3466, R. S.*

LIABILITY OF EXECUTORS.

105. Payment of debts before debts due to the United States are satisfied.—Every executor, administrator, or assignee, or other person, who pays any debt due by the person or estate from whom or for which he acts, before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate for the debts so due to the United States, or for so much thereof as may remain due and unpaid.—*Sec. 3467, R. S.*

PRIORITY OF SURETIES.

106. *Payment of amount due on the bond of an insolvent principal.*—Whenever the principal in any bond given to the United States is insolvent, or whenever such principal being deceased, his estate and effects which come to the hands of the executor, administrator, or assignee are insufficient for the payment of his debts, and, in either of such cases, any security on the bond, or the executor, administrator, or assignee of surety pays to the United States the money due upon such bond, such surety, his executor, administrator, or assignee shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States, and may bring and maintain a suit upon the bond, in law or equity, in his own name, for the recovery of all moneys paid thereon.—*Sec. 3468, R. S.*

REPORTS TO BE MADE TO CONGRESS.

107. *Amount due, where claims have been allowed.*—The Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant whose claim has been allowed in whole or in part to the Speaker of the House of Representatives and the presiding officer of the Senate, who shall lay the same before their respective Houses for consideration.—*Sec. 2, act of July 7, 1884 (23 Stat., 254).*

108. *Losses of or damages to private property.*—Hereafter the Secretary of War is authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages to and loss of private property when the amount of the claim does not exceed the sum of one thousand dollars, occasioned by heavy gun fire and target practice of troops, and for damages to vessels, wharves, and other private property, found to be due to maneuvers or other military operations for which the Government is responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor.—*Sec. 1, act of Aug. 24, 1912 (37 Stat., 586).*

JURISDICTION OF DISTRICT COURTS.

109. *Claims not exceeding ten thousand dollars.*—Concurrent with the Court of Claims, of all claims not exceeding ten thousand dollars founded upon the Constitution of the United States or any law of Congress, or upon any regulation of any executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court.—*Sec. 24, par. 20, act of Mar. 3, 1911 (36 Stat., 1093).*

110. *War claims and others excepted.*—Nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the late Civil War, and commonly known as "war claims," or to hear and determine other claims.

which have been rejected or reported on adversely prior to the third day of March, eighteen hundred and eighty-seven, by any court, department, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the twenty-seventh day of June, eighteen hundred and ninety-eight, shall abate or be affected by this provision.—*Ibid.*

111. *Suits to be brought within six years.*—That no suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made.—*Ibid.*

112. *Rights of married women, minors, etc.*—Claims of married women, first accrued during marriage, of persons under the age of twenty-one years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.—*Ibid.*

113. *To be tried without a jury.*—All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.—*Ibid.*

NOTE.—Like jurisdiction is conferred upon the Supreme Court of the District of Columbia (sec. 61 of Code for D. C., act of Mar. 3, 1901), the District Court of the United States for Porto Rico (act of Apr. 12, 1900, 31 Stat., 84), District Court for the District of Alaska (act of Mar. 3, 1909, 35 Stat., 839), and the District Court of Hawaii (act of Apr. 30, 1900, 31 Stat., 158). There is no Federal court in the Philippine Islands.

APPELLATE JURISDICTION OF CIRCUIT COURT OF APPEALS.

114. *To review by appeal or writ of error final decisions in district courts, etc.*—The circuit courts of appeals shall exercise appellate jurisdiction to review by appeal or writ of error final decisions in the district courts, including the United States district court for Hawaii in all cases other than those in which appeals and writs of error may be taken direct to the Supreme Court, as provided in section two hundred and thirty-eight, unless otherwise provided by law; and, except as provided in sections two hundred and thirty-nine and two hundred and forty, the judgments and decrees of the circuit courts of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy being aliens and citizens of the United States, or citizens of different States: * * * .—*Sec. 128, act of Mar. 3, 1911 (36 Stat., 1133).*

115. *Same.*—*Writs of error and appeals from supreme courts of Hawaii and Porto Rico.*—Writs of error and appeals from the final judgments and decrees of the supreme courts of the Territory of Hawaii and of Porto Rico, wherein the amount involved, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the value of \$5,000, may be taken and prosecuted in the circuit courts of appeals.—*Sec. 2, act of Jan. 28, 1915 (38 Stat., 804).*

116. Jurisdiction of Court of Claims and matters relating thereto.—Sec. 145: The Court of Claims shall have jurisdiction to hear and determine the following matters.—*Act of Mar. 3, 1911 (36 Stat., 1136).*

117. Claims on contracts; damages, not sounding in tort.—First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable.—*Ibid.*

118. War claims, etc., barred.—Nothing in this section shall be construed as giving to the said court jurisdiction to head and determine claims growing out of the late Civil War, and commonly known as "war claims," or to hear and determine other claims which, prior to March third, eighteen hundred and eighty-seven, had been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.—*Ibid.*

119. Jurisdiction hereafter not to include war claims.—That from and after the passage and approval of this act the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States based upon or growing out of the destruction of any property or damage done to any property by the military or naval forces of the United States during the war for the suppression of the rebellion; nor to any claim for stores and supplies taken by or furnished to or for the use of the military or naval forces of the United States; nor to any claim for the value of any use and occupation of any real estate by the military or naval forces of the United States during said war; nor shall said Court of Claims have jurisdiction of any claim which is now barred by the provisions of any law of the United States.—*Sec. 5, act of Mar. 4, 1915 (38 Stat., 996).*

120. Counterclaims, etc., restriction on suits for official services.—Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States, brought by any officer of the United States to recover fees for services alleged to have been performed for the United States, shall be allowed under this chapter until an account for said fees shall have been rendered and finally acted upon as required by law, unless the proper accounting officer of the Treasury fails to act finally thereon within six months after the account is received in said office.—*Act of Mar. 3, 1911 (36 Stat., 1137).*

121. Losses by disbursing officers.—Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of loss by capture or otherwise, while in the line of his duty, of Government funds vouchers, records, or papers in his charge, and for which such officer was and is held responsible. —*Ibid.*

JURISDICTION OF COURT OF CLAIMS AND MATTERS RELATING THERETO.

122. Determination of counterclaims, etc.; enforcement of judgment against claimant.—Upon the trial of any cause in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district court, shall be entered upon the records thereof and shall thereby become and be a judgment of such court and be enforced as other judgments in such court are enforced.—*Sec. 146, ibid.*

123. Decree on accounts of disbursing officers.—Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed as a credit in the settlement of his accounts.—*Sec. 147, ibid.*

124. Claims referred by departments; findings to be reported.—When any claim or matter is pending in any of the executive departments which involves controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, documents, and proofs pertaining thereto, to the Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the department by which it was transmitted for its guidance and action.—*Sec. 148, ibid.*

125. Judgments in certain cases; transmittal of vouchers, papers, etc.—If it shall have been transmitted with the consent of the claimant, or if it shall appear to the satisfaction of the court upon the facts established, that under existing laws or the provisions of this chapter it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, in the latter case giving to either party such further opportunity for hearing as in its judgment justice shall require, and shall report its findings therein to the department by which the same was referred to said court. The Secretary of the Treasury may, upon the certificate of any auditor, or of the Comptroller of the Treasury, direct any claim or matter of which, by reason of the subject matter or character, the said court might under existing laws take jurisdiction on the voluntary action of the claimant to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court for trial and adjudication.—*Ibid.*

126. Procedure in cases transmitted by departments, etc.—All cases transmitted by the head of any department, or upon the certificate of any auditor, or of the Comptroller of the Treasury, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations.—*Sec. 149, ibid., p. 1138.*

127. *Payment of judgments.*—The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be, and where no such appropriation exists the judgment or decree shall be paid in the same manner as other judgments of the said court.—*Sec. 150, ibid.*

128. *Claims referred by Congress; report of facts, conclusions, etc.*—Whenever any bill, except for a pension, is pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may, for the investigation and determination of facts, refer the same to the Court of Claims, which shall proceed with the same in accordance with such rules as it may adopt and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity against the United States, and the amount, if any, legally or equitably due from the United States to the claimant.—*Sec. 151, ibid.*

129. *Further hearings, etc.*—If it shall appear to the satisfaction of the court upon the facts established that under existing laws or the provisions of this chapter, the subject matter of the bill is such that it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and it shall report its proceedings therein to the House of Congress by which the same was referred to said court.—*Ibid.*

130. *Allowance of costs to prevailing party.*—If the Government of the United States shall put in issue the right of the plaintiff to recover, the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses, and for summoning the same, and fees paid to the clerk of the court.—*Sec. 152, ibid.*

131. *Treaty claims barred.*—The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December first, eighteen hundred and sixty-two, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes.—*Sec. 153, ibid.*

132. *Claims pending in other courts excluded.*—No person shall file or prosecute in the Court of Claims, or in the Supreme Court on appeal therefrom, any claim for or in respect to which he or any assignee of his has pending in any other court any suit or process against any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto acting or professing to act, mediate or immediately under the authority of the United States.—*Sec. 154, ibid.*

133. Reciprocal rights to aliens.—Aliens who are citizens or subjects of any Government which accords to citizens of the United States the right to prosecute claims against such Government in its courts shall have the privilege of prosecuting claims against the United States in the Court of Claims, whereof such court, by reason of their subject matter and character, might take jurisdiction.—*Sec. 155, ibid., p. 1139.*

134. Filing of petition within six years.—Every claim against the United States cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives, as provided by law, within six years after the claim first accrues.—*Sec. 156, ibid.*

135. Rights of married women, minors, etc.—The claims of married women, first accrued during marriage; of persons under the age of twenty-one years, first accrued during minority; and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted as aforesaid, within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.—*Ibid.*

136. Form of petition.—The claimant shall in all cases fully set forth in his petition the claim, the action thereon in Congress or by any of the departments, if such action has been had, what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of said claim or of any part thereof or interest therein has been made, except as stated in the petition; that said claimant is justly entitled to the amount therein claimed from the United States after allowing all just credits and offsets; that the claimant and, where the claim has been assigned, the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States, and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, and that he believes the facts as stated in the said petition to be true. The said petition shall be verified by the affidavit of the claimant, his agent, or attorney.—*Sec. 159, ibid.*

137. Dismissal of petition if allegiance, etc., disproven.—The said allegations as to true allegiance and voluntary aiding, abetting, or giving encouragement to rebellion against the Government may be traversed by the Government, and if on the trial such issues shall be decided against the claimant, his petition shall be dismissed.—*Sec. 160, ibid.*

138. Proof of loyalty required; when.—Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to forces or government of the late Confederate States during the Civil War, the claimant asserting the loyalty of any such person to the United States during such Civil War shall be required to prove affirmatively that such person did, during said Civil War, consistently adhere to the United States and did give no aid or comfort to persons engaged in said Confederate service in said Civil War.—*Sec. 161, ibid.*

139. Property taken after June 1, 1865; jurisdiction to determine claims for.—The Court of Claims shall have jurisdiction to hear and determine the

claims of those whose property was taken subsequent to June the first, eighteen hundred and sixty-five, under the provisions of the act of Congress approved March twelfth, eighteen hundred and sixty-three, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," and acts amendatory thereof where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statutes of limitations to the contrary notwithstanding.—*Sec. 162, ibid.*

140. Information, etc., from departments and Congress.—The said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress when deemed necessary in the prosecution of its business; but the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.—*Sec. 164, ibid, p. 1140.*

141. Claims forfeited for fraud.—Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim or of any part of any claim against the United States shall, ipso facto, forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government and that the claimant be forever barred from prosecuting the same.—*Sec. 172, ibid.*

142. Fourth of July claims; not allowed if willfully in excess of actual loss.—No claim shall be allowed by the accounting officers under the provisions of the act of Congress approved June sixteenth, eighteen hundred and seventy-four, or by the Court of Claims, or by Congress to any person where such claimant or those under whom he claims shall willfully, knowingly, and with intent to defraud the United States have claimed more than was justly due in respect of such claim or presented any false evidence to Congress or to any department or court in support thereof.—*Sec. 173, ibid.*

143. New trials on request of claimant.—When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.—*Sec. 174, ibid.*

144. New trial on motion of United States.—The Court of Claims, at any time while any claim is pending before it or on appeal from it, or within two years next after the final disposition of such claim, may, on motion on behalf of the United States, grant a new trial and stay the payment of any judgment therein upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment the same shall be payable and paid as now provided by law.—*Sec. 175, ibid.*

145. No interest allowed before judgment.—No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of

Claims, unless upon a contract expressly stipulating for the payment of interest.—*Sec. 177, ibid.*

146. *Payment under judgment to be a full discharge.*—The payment of the amount due by any judgment of the Court of Claims and of any interest thereon allowed by law, as provided by law, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy.—*Sec. 178, ibid.*

147. *Final judgments a bar to further demands.*—Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy.—*Sec. 179, ibid.*

148. *Final judgments made on settlements by auditor.*—Hereafter in all cases of final judgments and awards rendered against the United States by the Court of Claims, and of final judgments rendered against the United States by the circuit and district courts of the United States, payment thereof under appropriations made by Congress shall be made on settlements by the auditor for the department or branch of the public service having jurisdiction over the subject-matter out of which the claims arose.—*Act of Feb. 18, 1904 (33 Stat., 41).*

149. *Petitions for settlement of unadjusted accounts, etc.; procedure where debtor to United States alleges no settlement within three years.*—Whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is a guarantor, or surety, or personal representative of any officer or agent or contractor so indebted, or that he or the person for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States has arisen and exists, and that he or the person he represents has applied to the proper department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application, and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said department and to the Attorney General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court; and unless suit shall be brought within said time such claim and the claim on the original indebtedness shall be forever barred. The provisions of section one hundred and sixty-six shall apply to cases under this section.—*Sec. 180, act of Mar. 3, 1911 (36 Stat., 1141).*

150. Right of appeal.—The plaintiff or the United States in any suit brought under the provisions of the section last preceding shall have the same right of appeal as is conferred under sections two hundred and forty-two and two hundred and forty-three; and such right shall be exercised only within the time and in the manner therein prescribed.—*Sec. 181, ibid, p. 1142.*

151. Appeals in Indian cases, etc.—In any case brought in the Court of Claims under any act of Congress by which that court is authorized to render a judgment or decree against the United States, or against any Indian tribe or any Indians, or against any fund held in trust by the United States for any Indian tribe or for any Indians, the claimant, or the United States, or the tribe of Indians, or other party in interest, shall have the same right of appeal as is conferred under sections two hundred and forty-two and two hundred and forty-three; and such right shall be exercised only within the time and in the manner therein prescribed.—*Sec. 182, ibid.*

152. Loyalty a jurisdictional fact in cases growing out of Civil War; dismissal if not proven.—In any case of a claim for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the late Civil War the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.—*Sec. 184, ibid.*

153. Duty of Attorney General to appear for defense; when.—The Attorney General or his assistants under his direction shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under the provisions of this chapter, with the same power to interpose counter claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses in like manner as he is required to defend the United States in said court.—*Sec. 185, ibid.*

OFFENSES AGAINST THE OPERATIONS OF THE GOVERNMENT.

154. Forging bonds, bids, public records, etc.; transmitting same.—Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guaranty, security, official

bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisoned not more than ten years, or both.—*Sec. 28, act of Mar. 4, 1909 (35 Stat., 1094).*

155. Forging deeds, powers of attorney, etc.; transmitting same.—Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be fined not more than one thousand dollars and imprisoned not more than ten years.—*Sec. 29, ibid.*

156. Having false, etc., papers in possession.—Whoever, knowingly and with intent to defraud the United States, shall have in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of enabling another to obtain from the United States, or from any officer or agent thereof, any sum of money, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both.—*Sec. 30, ibid.*

157. False acknowledgments by officer administering oaths.—Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation made in pursuance of law, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both.—*Sec. 31, ibid.*

158. Falsely pretending to be United States officer.—Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any department, or any officer of the Government thereof, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both.—*Sec. 32, ibid.*

159. False personation of holder of public stocks, pensioner, etc.—Whoever shall falsely personate any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize money, wages, or other debt due from the United States, and, under color of such false personation, shall transfer or endeavor to transfer such public stock, or any part thereof, or shall receive, or endeavor to receive, the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, shall be fined not more than five thousand dollars and imprisoned not more than ten years.—*Sec. 33, ibid, p. 1095.*

160. False demand on fraudulent power of attorney.—Whoever shall knowingly or fraudulently demand, or endeavor to obtain, any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize money, wages, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be fined not more than five thousand dollars and imprisoned not more than ten years.—*Sec. 34, ibid.*

161. Presenting false claims; unlawful purchase of public property.—Whoever shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States or any department, or officer thereof, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, shall make or use, or cause to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; or whoever, having charge, possession, custody, or control of any money or other public property, used or to be used in the military or naval service, with intent to defraud the United States, or willfully to conceal such money or other property, shall deliver, or cause to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate, or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used, or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person under a clothing allotment or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars, and imprisoned not more than two years.—*Sec. 35, ibid.*

162. *Conspiring to commit offense against the United States.*—If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both.—*Sec. 37, ibid., p. 1096.*

163. *Bribery of United States officer.*—Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years.—*Sec. 39, ibid.*

164. *Persons interested in contracts, etc., not to act as Government agents.*—No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than two thousand dollars and imprisoned not more than two years.—*Sec. 41, ibid., p. 1097.*

OFFENSES RELATING TO OFFICIAL DUTIES.

165. *Receiving pay by Government employees for services in connection with contracts, etc.*—Whoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.—*Sec. 113, act of Mar. 4, 1909 (35 Stat., 1109).*

166. Official accepting bribe.—Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.—*Sec. 117, ibid.*

CONTRACTS AND PURCHASES.

BY ADVERTISEMENT AND IN OPEN MARKET.

167. To be made under direction of Secretary of War.—All purchases and contracts for supplies or services for the military and naval service shall be made by or under the direction of the chief officers of the Departments of War and of the Navy, respectively. (And all agents or contractors for supplies or services aforesaid shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required, subject, nevertheless, to the inspection and revision of the officers of the Treasury in the manner before prescribed.)—*Sec. 3714, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 249).*

168. Regular and miscellaneous supplies.—That hereafter all purchases of regular and miscellaneous supplies for the Army furnished by the Quartermaster's Department and by the Commissary Department for immediate use shall be made by the officers of such department, under direction of the Secretary of War, at the places nearest the points where they are needed, the conditions of cost and quality being equal.—*Act of July 5, 1884 (23 Stat., 109).*

169. Same—Period of advertising; award to lowest bidder; right reserved to reject bids.—That all purchases of said supplies, except in cases of emergency, which must be at once reported to the Secretary of War for his approval, shall be made by contract after public notice of not less than ten days for small amounts for immediate use, and of not less than from thirty to sixty days whenever, in the opinion of the Secretary of War, the circumstances of the case and conditions of the service shall warrant such extension of time. The award in every case shall be made to the lowest responsible bidder for the best and most suitable article, the right being reserved to reject any and all bids.—*Ibid.*

170. By advertising and in open market.—All purchases and contracts for supplies or services, in any of the departments of the Government, except for personal services, shall be made by advertisement a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency, the articles

or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged between individuals.—*Sec. 3709, R. S.*

171. Army supplies, by advertising; exception.—Hereafter, except in cases of emergency or where it is impracticable to secure competition, the purchase of all supplies for the use of the various departments and posts of the Army and of the branches of the Army service shall only be made after advertisement and shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered.—*Act of Mar. 2, 1901 (31 Stat., 905).*

172. Open market, under \$500; exceeding \$100, report to be rendered.—Hereafter the purchase of supplies and the procurement of services for all branches of the Army service may be made in open market, in the manner common among business men, when the aggregate of the amount required does not exceed five hundred dollars; but every such purchase exceeding one hundred dollars shall be promptly reported to the Secretary of War for approval under such regulations as he may prescribe.—*Act of June 12, 1906 (34 Stat., 258).*

173. Exceeding \$500, to be reduced to writing.—Hereafter whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Quartermaster General, or by officers of the Quartermaster Corps authorized to make them, and are in excess of \$500 in amount, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Quartermaster General.—*Sec. 1, Act of Mar. 4, 1915 (38 Stat., 1078).*

174. At Indian reservations. etc.—That the Secretary of War be, and he is hereby, authorized and directed, when making purchases for the military posts or service on or near Indian reservations, to purchase in open market, from the Indians as far as practicable, at fair and reasonable rates, not to exceed the market prices in the localities, any cattle, grain, hay, fuel, or other produce or merchandise they may have for sale and which may be required for the military service.—*Act of Jan. 19, 1891 (26 Stat., 721).*

175. Exceptional articles of subsistence.—Hereafter exceptional articles of subsistence stores for officers and enlisted men, which are to be paid for by them, regardless of condition upon arrival at posts, may, under regulations to be prescribed by the Secretary of War, be obtained by open purchase without advertising.—*Act of Feb. 12, 1895 (28 Stat., 658).*

SUPPLIES FOR THE ARMY.

176. Appropriations made or contracts authorized must be in specific terms.—No act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such act shall in specific terms declare an appropriation to be made or that a contract may be executed.—*Sec. 9, act of June 30, 1906 (34 Stat., 764).*

177. Contracts for stationery.—It shall not be lawful for any of the executive departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made.—*Sec. 3735, R. S.*

178. Exchange of sewing machines, etc., in part payment for new.—Hereafter sewing machines and other labor-saving machinery used in the manufacture of clothing and equipage, motor trucks and passenger-carrying vehicles, and band instruments, may be exchanged in part payment for new machines, vehicles, and instruments used for the same purpose as those proposed to be exchanged.—*Act of Aug. 29, 1916 (39 Stat., 635).*

179. Exchange of motor-propelled vehicles, in part payment for new.—Hereafter motor-propelled vehicles, aeroplanes, engines, and parts thereof may be exchanged in part payment for new equipment of the same or similar character, to be used for the same purpose as those proposed to be exchanged.—*Act of May 12, 1917 (40 Stat., 43).*

180. Exchange of typewriters, adding machines, etc., in part payment.—The executive departments and other Government establishments and all branches of the public service may hereafter exchange typewriters, adding machines, and other similar labor-saving devices in part payment for new machines used for the same purpose as those proposed to be exchanged. There shall be submitted to Congress, on the first day of the session following the close of each fiscal year, a report showing, as to each exchange hereunder, the make of the article, the period of its use, the allowance therefor, and the article, make thereof, and price, including exchange value, paid or to be paid for each article procured through such exchange.—*Sec. 5, act of Mar. 4, 1915 (38 Stat., 1161).*

181. Duties of officers of Subsistence Department.—It shall be the duty of the officers of the Subsistence Department, under the direction of the Secretary of War, to purchase and issue to the Army such supplies as enter into the composition of the ration.—*Sec. 1141, R. S.*

182. Duties of officers of Quartermaster's Department.—It shall be the duty of the officers of the Quartermaster's Department, under the direction of the Secretary of War, to purchase and distribute to the Army all military stores and supplies requisite for its use which other corps are not directed by law to provide; to furnish means of transportation for the Army, its military stores and supplies, and to provide for and pay all incidental expenses of the military service which other corps are not directed to provide for and pay.—*Sec. 1133, R. S.*

183. Secretary of War to define and prescribe kinds, etc.—The Secretary of War shall from time to time define and prescribe the kinds as well as the amount of supplies to be purchased by the Subsistence and Quartermaster Departments of the Army, and the duties and powers thereof respecting such purchases; and shall prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe-keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental headquarters, and to such other officers as may by virtue of such regulations be intrusted with the same; and shall fix and make reasonable allowances for the store rent and storage necessary for the safe-keeping of all military stores and supplies.—*Sec. 219 R. S.*

184. Preference to be given to articles of American production.—The Quartermaster's Department of the Army, in obtaining supplies for the military service, shall state in all advertisements for bids for contracts that a prefer-

ence shall be given to articles of domestic production and manufacture, conditions of price and quality being equal, and that such preference shall be given to articles of American production and manufacture produced on the Pacific coast, to the extent of the consumption required by the public service there. In advertising for Army supplies the Quartermaster's Department shall require all articles which are to be used in the States and Territories of the Pacific coast to be delivered and inspected at points designated in those States and Territories; and the advertisements for such supplies shall be published in newspapers of the cities of San Francisco, California, and Portland, in Oregon.—*Sec. 3716, R. S.*

185. Delivery of subsistence supplies.—Contracts for subsistence supplies for the Army, made by the Commissary General, on public notice, shall provide for a complete delivery of such articles, on inspection, at such places as shall be stipulated.—*Sec. 3715, R. S.*

186. Not to exceed current year necessities.—No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law, or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year.—*Act of June 12, 1906 (34 Stat., 255).*

187. Members of Congress prohibited from sharing in profits.—In every such contract or agreement to be made or entered into or accepted by or on behalf of the United States, there shall be inserted an express condition that no Member of (or Delegate to) Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.—*Sec. 3741, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 249).*

188. Contracts not transferable; rights of action reserved to United States.—No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.—*Sec. 3737, R. S.*

189. In time of war—Purchase or procurement of military supplies in time of actual or imminent war.—The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of

arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding \$50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just.—*Sec. 120, act of June 3, 1916 (39 Stat., 213).*

SUPPLIES FOR EXECUTIVE DEPARTMENTS.

190. Time-recording clocks.—That no recording clocks used for recording time of clerks or other employees shall be purchased for use in any of the executive departments at Washington, D. C., except from moneys specifically appropriated therefor.—*Act of July 7, 1898 (30 Stat., 655).*

191. Books, laws and reference, and periodicals.—That hereafter law books, books of reference, and periodicals for use of any executive department, or other Government establishment not under an executive department, at the seat of the Government, shall not be purchased or paid from any appropriation made for contingent expenses or for any specific or general purpose unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation.—*Sec. 3, act of Mar. 15, 1898 (30 Stat., 316).*

192. Fuel, ice, stationery, and other miscellaneous supplies; general supply committee created, duties, etc.—Hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other Government establishments in Washington, when the public exigencies do not require the immediate delivery of the articles, shall be advertised and contracted for by the Secretary of the Treasury, instead of by the several departments and establishments, upon such days as he may designate. There shall be a general supply committee in lieu of the board provided for in section thirty-seven hundred and nine of the Revised Statutes as amended, composed of officers, one from each such department, designated by the head thereof, the

duties of which committee shall be to make, under the direction of the said Secretary, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids, and shall perform such other similar duties as he may assign to them: *Provided*, That the articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any article that, in his judgment, can as well be thus purchased. In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one department or Government establishment are included in such contract. Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No disbursing officer shall be a member of such committee. No department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of the head of their department: *And provided further*, That telephone service, electric light, and power service purchased or contracted for from companies or individuals shall be so obtained by him—*Sec. 4, act of June 17, 1910 (36 Stat., 531)*.

FUEL—PURCHASE AND INSPECTION OF.

193. Appointment of inspectors; duties, etc.—It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person to be appointed by the head of the department or chief of the branch of the service for which the purchase is made from among the persons authorized to be employed in such department or branch of the service.

The person appointed under this section shall ascertain that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel.—*Sec. 3711, R. S., as amended by sec. 6, act of Mar. 2, 1895 (28 Stat., 808), and sec. 6, act of Mar. 15, 1898 (30 Stat., 316)*.

194. Copy of certificate of appointment of inspectors to be furnished.—The proper accounting officer of the Treasury shall be furnished with a copy of the appointment of each inspector, weigher, and measurer appointed under the preceding section.—*Sec. 3712, R. S.*

195. No payment without certificate.—It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer.—*Sec. 3713, R. S.*

196. Certificate of weight to be furnished.—That no person shall sell or deliver any coal within the limits of the District of Columbia unless there shall be delivered to the person in charge of the wagon or conveyance used in delivering such coal a certificate duly signed by the person selling the same and showing the weight of the coal purporting to be delivered and weight of the wagon or conveyance used in such delivery, the total weight of coal and conveyance, and the name of the purchaser.—*Sec. 12, act of Mar. 2, 1895 (28 Stat., 813).*

197. Exhibiting certificate when required.—That no person in charge of the wagon or conveyance used in delivering coal, to whom the certificate mentioned in section six of this act has been delivered, shall neglect or refuse to exhibit such certificate to the sealer or the assistant sealer of weights and measures, or to any person designated by them, or to the purchaser or intended purchaser of the coal being delivered; and when said officers, person so designated, or such purchaser or intended purchaser shall demand that the weight shown by such certificate be verified it shall be the duty of the person delivering such coal to convey the same forthwith to some public scale of the District, or to any private scale the owner whereof shall consent to such use, and to permit the verifying of the weight shown, and shall, after the delivery of such coal, return forthwith, with the wagon or conveyance used, to the same scale and verify the weight of the wagon or conveyance.—*Sec. 13, ibid.*

HORSES—PURCHASE OF.

198. Breeding purposes; appropriation not available for.—No part of this appropriation shall be used for breeding purposes.—*Annual appropriation acts.*

199. Appropriation available for breeding purposes.—That of the sum thus appropriated * * * may be used by experiments in the breeding and maintenance of horses for military purposes.—*Annual appropriation acts, Department of Agriculture.*

200. Horses for Cavalry, Artillery, and Indian Scouts.—Hereafter all purchases of horses under appropriations for horses for the Cavalry and Artillery and for the Indian scouts shall be made by contract, after legal advertisement, by the Quartermaster's Department, under instructions of the Secretary of War, the horses to be inspected under the orders of the General Commanding the Army; and no horse shall be received and paid for until duly inspected.—*Act of July 5, 1884 (23 Stat., 109.)*

201. Horses, mules, oxen, wagons, carts, drays, ships, etc.—Hereafter all purchases of horses, mules, or oxen, wagons, carts, drays, ships, and other seagoing vessels, also all other means of transportation, shall be made by the Quartermaster's Department, by contract, after due legal advertisement, except in cases of extreme emergency.—*Ibid., p. 110.*

202. At military posts and stations.—When practicable, horses shall be purchased in open market at all military posts and stations, when needed, at a maximum price to be fixed by the Secretary of War.—*Annual appropriation act.*

203. Number of draft animals limited.—The number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service.—*Act of July 5, 1884 (23 Stat., 109); act of Mar. 2, 1901 (31 Stat., 907).* (See *annual appropriation acts.*)

204. Draft and pack animals.—For the purchase and hire of draft and pack animals in such numbers as are actually required for the service.—*Act of Aug. 29, 1916 (39 Stat., 634).* (See *annual appropriation acts.*)

205. Appropriation for Cavalry, Artillery, and Engineer horses.—Horses for Cavalry, Artillery, Engineers, and so forth: For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War, for remounts, for officers entitled to public mounts, for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Military Academy, service schools, and staff colleges, and for the Indian scouts, and for such Infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, and for the hire of employees: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster Corps and an inspection under the direction and authority of the Secretary of War. When practicable horses shall be purchased in open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: *Provided further*, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy: *Provided*, That no part of this appropriation shall be expended for polo ponies, except for the West Point Military Academy, and such ponies shall not be used at any other place.—*Annual appropriation acts.*

206. Purchase of owned horses.—Hereafter when a mounted officer is ordered to duty beyond the seas or to make a change of station in the United States in which the cost of transportation for his authorized number of owned horses exceeds the sum at the time allowed for that purpose in the Army Regulations, the Secretary of War is authorized, under such regulations in respect to inspection and valuation as he may prescribe, in his discretion, to permit the purchase of said horses by the Quartermaster Department, at a price not exceeding the average contract price paid for horses during the preceding fiscal year, the exact price to be fixed by a board of officers.—*Act of Mar. 23, 1910 (36 Stats., 254).*

207. Field Artillery, Organized Militia.—The funds appropriated by section sixteen hundred and sixty-one, Revised Statutes, and by the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved May twenty-seventh, nineteen hundred and eight, as amended, shall be available for the purchase, under such regulations as the Secretary of War may prescribe.

of horses conforming to the Regular Army standards, said horses to remain the property of the United States and to be for the sole continuous use of the Field Artillery of the Organized Militia.—*Act of Mar. 4, 1915 (38 Stat., 1071).*

208. Same—Condemned Army horses to be issued to.—The Secretary of War may, under the provisions of this act and such regulations as he may prescribe, issue to the Field Artillery organizations hereinbefore mentioned and without cost to the State, condemned Army horses which are no longer fit for service but may still be suitable for purposes of instruction, the same to be sold as now provided by law when the latter purpose has been served.—*Ibid.*

209. Issue of public animals to National Guard; allowance of pack mules.—The Secretary of War is hereby authorized to transfer to those organizations of the National Guard entitled thereto such number of horses and pack mules purchased by the Quartermaster Corps of the Army under the provisions of the act of July first, nineteen hundred and sixteen, not required for the proper equipment of organizations of the Regular Army, that can be issued to National Guard organizations under the regulations prescribed by the Secretary of War, all expenses incident to such transfer to be met from appropriations made for and on behalf of the National Guard; pack mules so transferred may be issued not to exceed six to any one radio company, machine-gun troop or company, or four to any one ambulance company, under such regulations as the Secretary of War may prescribe.—*Act of May 12, 1917 (40 Stat., 65).*

OFFICERS NOT TO BE INTERESTED IN PURCHASE OR SALE.

210. Of rations, tobacco, or articles purchased for sales.—No officer belonging to the Subsistence Department or doing the duty of a subsistence officer shall be concerned, directly or indirectly, in the purchase or sale of any article entering into the composition of the ration allowed to troops in the service of the United States, or of any article designated by the inspectors general of the Army and furnished for sale to officers and enlisted men at cost prices, or of tobacco furnished for sale to enlisted men, except on account of the United States, nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office other than that which may be allowed by law.—*Sec. 1150, R. S.*

211. Quartermasters and assistant quartermasters.—No officer belonging to the Quartermaster's Department, or doing the duty of a quartermaster or assistant quartermaster shall be concerned, directly or indirectly in the purchase or sale of any article intended for or appertaining to said department of service, except on account of the United States; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office other than that which may be allowed by law.—*Sec. 1138, R. S.*

OPENING OF BIDS—BIDDERS' BONDS.

212. Rules and regulations to be prescribed by Secretary of War.—The Secretary of War is hereby authorized to prescribe rules and regulations to be observed in the preparation and submission and opening of bids for contracts under the War Department.—*Act of Apr. 10, 1878 (20 Stat., 36), as amended by act of Mar. 3, 1883 (22 Stat., 487).*

213. Bidders' bonds; failure to fulfill contract.—He may require every bid to be accompanied by a written guaranty, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of War or the officer authorized to make a contract in the premises, give bond with good and sufficient sureties to furnish the supplies proposed or to perform the service required. If after the acceptance of a bid and a notification thereof to the bidder he fails within the time prescribed by the Secretary of War or other duly authorized officer to enter into a contract and furnish a bond with good and sufficient security for the proper fulfillment of its terms, the Secretary or other authorized officer shall proceed to contract with some other person to furnish the supplies or perform the service required, and shall forthwith cause the difference between the amount specified by the bidder in default in the proposal and the amount for which he may have contracted with another party to furnish the supplies or perform the service for the whole period of the proposal to be charged up against the bidder and his guarantor or guarantors, and the sum may be immediately recovered by the United States for the use of the War Department in an action of debt against either or all of such persons.—*Ibid.*

214. Bidders to be notified of time and place.—Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening of bids and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made.—*Sec. 3710, R. S.*

PREPARATION AND EXECUTION OF CONTRACTS.

215. Contracts to be in writing; copy to be filed.—It shall be the duty of the Secretary of War * * * to cause and require every contract made * * * on behalf of the Government, or by officers under them appointed to make such contracts, to be reduced to writing and signed by the contracting parties with their names at the end thereof, a copy of which shall be filed by the officer making and signing the contract in the Returns Office of the Department of the Interior, as soon after the contract is made possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, and with a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract shall be attached together by a ribbon and seal and marked by numbers in regular order, according to the number of papers composing the whole return.—*Sec. 3744, R. S.*

216. Oath to contract.—It shall be the further duty of the officer before making his return according to the preceding section to affix to the same his affidavit in the following form, sworn to before some magistrate having authority to administer oaths: "I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me personally with ———; that I made the same fairly, without any benefit or advantage to myself or allowing any such benefit or advantage corruptly to the said ——— or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided."—*Sec. 3745, R. S.*

217. Penalty for failure to make return.—Every officer who makes any contract, and fails or neglects to make return of the same, according to the provi-

sions of the two preceding sections, unless from unavoidable accident or causes not within his control, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not more than six months.—*Sec. 3746, R. S.*

218. Printed instructions, blank forms, etc., to be furnished.—It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior to furnish every officer appointed by them with authority to make contracts on behalf of the Government with a printed letter of instructions, setting forth the duties of such officer under the two preceding sections, and also to furnish therewith forms, printed in blank, of contracts to be made and the affidavit of returns required to be affixed thereto, so that all the instruments may be as nearly uniform as possible.—*Sec. 3747, R. S.*

219. Advances of money to be deposited.—All contracts to be made, by virtue of any law and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited promptly in the offices of the Auditors of the Treasury, according to the nature of the contracts: *Provided*, That this section shall not apply to the existing laws in regard to the contingent funds of Congress.—*Sec. 3743, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 249), and sec. 18, act of July 31, 1894 (28 Stat., 210).*

CORRESPONDENCE—OFFICIAL.

220. To be free of postage.—It shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "Official business" an indorsement showing also the name of the department, and, if from a bureau or office, the names of the department and bureau or office, as the case may be, whence transmitted.—*Sec. 5, act of Mar. 3, 1877 (19 Stat., 335).*

221. Envelopes to be contracted for by Postmaster General.—The Postmaster General shall contract for all envelopes, stamped or otherwise, designed for sale to the public or for use by his own or other departments, and may contract for them to be plain or with such printed matter as may be prescribed by the department making requisition therefor: *Provided*, That no envelope furnished by the Government shall contain any business address or advertisement.—*Sec. 96, act of Jan. 12, 1895 (28 Stat., 624).*

222. Penalty envelope may be inclosed for reply to official correspondence.—Any department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information and indorsements relating thereto.—*Sec. 3, act of July 5, 1884, (23 Stat., 158).*

223. May be registered free; part-paid letters, etc., free.—Any letter or packet to be registered by either of the executive departments or bureaus thereof, or by the Agricultural Department or by the Public Printer, may be registered without the payment of any registry fee; and any part-paid letter or packet addressed to either of said departments or bureaus may be delivered free; but where there is good reason to believe the omission to prepay the full postage thereon was intentional such letter or packet shall be returned to the sender.—*Ibid.*

FLAG OF THE UNITED STATES.

224. Description of.—The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be thirty-seven stars, white in a blue field.—*Sec. 1791, R. S.*

225. Addition of a star for every new State.—On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.—*Sec. 1792, R. S.*

226. Retention of colors by volunteer regiments authorized.—The Secretary of War be, and he is hereby, authorized to permit volunteer regiments, on being mustered out of the service of the United States, to retain all of their regimental colors. Said colors shall be turned over to the State authorities to which said regiments belong, and the regimental quartermaster in making his returns may, in lieu of said colors and in full release therefor, file with the proper officials of the War Department a receipt from the quartermaster general of said State that said colors have been delivered to said State authorities.—*Act of Feb. 25, 1899 (30 Stat., 890).*

227. Use of in registering trade-marks prohibited.—No mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark * * * (b) consists of or comprises the flag or coat of arms or other insignia of the United States, or any simulation thereof, or of any State or municipality, or of any foreign nation.—*Act of Feb. 20, 1905 (33 Stat., 725).*

228. Punishment for the desecration, mutilation, or improper use of within the District of Columbia.—That hereafter any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale or to public view, or give away or have in possession for sale or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words "flag, standard, colors, or ensign," as used herein, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any sub-

stance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.—*Act of Feb. 8, 1917 (39 Stat., 900).*

MEDALS AND BADGES.

229. *Congressional medal to volunteers for service in suppressing Philippine insurrection.*—The Secretary of War be, and he is hereby, authorized and directed to procure a bronze medal, with suitable device, to be presented to each of the several officers and enlisted men and families of such as may be dead, who, having volunteered and enlisted under calls of the President for the War with Spain, served beyond the term of their enlistment to help to suppress the Philippine insurrection, and who subsequently secured an honorable discharge from the Army of the United States, or who died prior to such discharge.—*Act of June 29, 1906 (34 Stat., 621).*

230. *Certificates of merit.*—When any enlisted man of the Army shall have distinguished himself in the service, the President may, at the recommendation of the commanding officer of the regiment or the chief of the corps to which such enlisted man belongs, grant him a certificate of merit.—*Sec. 1216, R. S., as amended by act of Mar. 29, 1892 (27 Stat., 12).*

NATIONAL CEMETERIES.

CARE AND MAINTENANCE OF.

231. *Secretary of War to submit annual estimate.*—The Secretary of War shall provide for the care and maintenance of the national military cemeteries, and for this purpose shall submit an estimate with his annual estimates to Congress, and section 4876 of the Revised Statutes is hereby repealed.—*Act of July 24, 1876 (19 Stat., 99).*

232. *Acquisition of land by purchase, etc.*—The Secretary of War shall purchase from the owners thereof, at such price as may be mutually agreed upon between the Secretary and such owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions for national cemeteries, and obtain from such owners the title in fee simple for the same. And in case the Secretary of War is not able to agree with any owner upon the price to be paid for any real estate needed for such purpose, or to obtain from such owner title in fee simple for the same, the Secretary is hereby authorized to enter upon and appropriate any real estate which, in his judgment, is suitable and necessary for such purposes.—*Sec. 4870, R. S.*

233. *Appraisement of real estate when taken.*—The Secretary of War, or the owners of any real estate thus entered upon and appropriated, are authorized to make application for an appraisement of real estate thus entered upon and appropriated to any circuit or district court within any State or district where such real estate is situated; and such court shall, upon such application, and in such mode and under such rules and regulations as it may adopt, make a just and equitable appraisement of the cash value of the several interests of each and every owner of such real estate and improvements thereon.—*Sec. 4871, R. S.*

234. *Payment of appraised value.*—When appraisement of the real estate thus entered upon and appropriated has been made under the order and direction of the court, the fee simple thereof shall, upon payment to the owner of the appraised value, or in case such owner refuses or neglects for thirty days after the appraisement of the cash value of the real estate or improvements as aforesaid to demand the same from the Secretary of War upon depositing the appraised value in the court making such appraisement to the credit of such owner, be vested in the United States, and its jurisdiction over such real estate shall be exclusive and the same as its jurisdiction over real estate purchased, ceded, or appropriated for the purposes of navy yards, forts, and arsenals. The Secretary of War is authorized and required to pay to the several owner or owners, respectively, the appraised value of the several pieces or parcels of real estate, as specified in the appraisement of any of such courts, or to pay into any of such courts by deposit, as hereinbefore provided, the appraised value; and the sum necessary for such purpose may be taken from any moneys appropriated for the purposes of national cemeteries.—*Sec. 4872, R. S.*

235. *Purchase of additional land in Cave Hill Cemetery.*—For the purchase of additional land in Cave Hill Cemetery, at Louisville, Kentucky, for the burial of soldiers of the Union Army in the late Civil War and in the War with Spain, twenty-five thousand dollars: *Provided*, That the amount of land herein authorized to be purchased and the price paid therefor shall be within the discretion of the Secretary of War.—*Act of Aug. 24, 1912 (37 Stat., 440).*

INCLOSURES, HEADSTONES, AND REGISTERS.

236. *Authority for.*—In the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Secretary of War is hereby directed to have the same inclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small headstone or block, which shall be of durable stone, and of such design and weight as shall keep it in place when set, and shall bear the name of the soldier and the name of his State inscribed thereon, when the same are known, and also with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party in a register of burials to be kept at each cemetery and at the office of the Quartermaster General, which shall set forth the name, rank, company, regiment, and date of death of the officer or soldier; or if these are unknown, it shall be so recorded.—*Sec. 4877, R. S.*

237. *Headstones for soldiers buried in private, village, or city cemeteries.*—That the Secretary of War is hereby authorized to erect headstones over the graves of soldiers who served in the Regular or Volunteer Army of the United States during the war for the Union, and who have been buried in private, village, or city cemeteries, in the same manner as provided by the law of March third, eighteen hundred and seventy-three, for those interred in national military cemeteries; and for this purpose, and for the expenses incident to such work, so much of the appropriation of one million dollars, made in the act above mentioned, as has not been expended, and as may be necessary, is hereby made available.—*Act of Feb. 3, 1879 (20 Stat., 281).*

238. *Records to be maintained in War Department.*—The Secretary of War shall cause to be preserved in the records of his department the names and places of burial of all soldiers for whom such headstones shall have been erected by authority of this or any former acts.—*Ibid.*

239. Marking graves of civilians in post cemeteries.—For supplying stone markers for civilian graves in post cemeteries * * * dollars.—*Act of Apr. 28, 1904 (33 Stat., 496).*

240. Marking graves of Confederates who died in Federal prisons and military hospitals in the North.—That the Secretary of War be, and he is hereby, authorized and directed to ascertain the locations and condition of all the graves of the soldiers and sailors of the Confederate Army and Navy in the late Civil War, eighteen hundred and sixty-one to eighteen hundred and sixty-five, who died in Federal prisons and military hospitals in the North and who were buried near their places of confinement; with the power in his discretion to acquire possession or control over all grounds where said prison dead are buried not now possessed or under the control of the United States Government; to cause to be prepared accurate registers in triplicate, one for the superintendent's office in the cemetery, one for the Quartermaster General's office, and one for the War Record's Office, Confederate archives, of the places of burial, the number of the grave, the name, company, regiment, or vessel, and State of each Confederate soldier and sailor who so died, by verification with the Confederate archives in the War Department at Washington, District of Columbia; to cause to be erected over said graves white marble headstones similar to those recently placed over the graves in the "Confederate section" in the national cemetery at Arlington, Virginia, similarly inscribed; to build proper fencing for the preservation of said burial grounds, and to care for said burial grounds in all proper respects not herein specifically mentioned, the said work to be completed within two years, at the end of which a report of the same shall be made to Congress. That for the carrying out of the objects set forth herein there be appropriated out of any money in the Treasury of the United States not otherwise appropriated the sum of two hundred thousand dollars, or so much thereof as may be necessary. And the Secretary of War is hereby authorized and directed to appoint some competent person as commissioner to ascertain the location of such Confederate graves not heretofore located, and to compare the names of those already marked with the registers in the cemeteries, and correct the same when found necessary as preliminary to the work of marking the graves with suitable headstones, and to fix the compensation of said commissioner at the rate of not to exceed two thousand five hundred dollars per annum, who shall be allowed necessary traveling expenses.—*Act of Mar. 9, 1906 (34 Stat., 56).*

241. Same, extended, fiscal year 1915.—That the act entitled "An act to provide for the appropriate marking of the graves of soldiers and sailors of the Confederate Army and Navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," approved March ninth, nineteen hundred and six, and continued in full force and effect for two years by joint resolution approved February twenty-sixth, nineteen hundred and eight, and for the additional period of one year by a joint resolution approved February twenty-fifth, nineteen hundred and ten, and for the further additional period of two years by a joint resolution approved December twenty-third, nineteen hundred and ten, is continued in full force and effect for two years from this date; and the unexpended balance of the appropriation made by said act of March ninth, nineteen hundred and six, is continued and made applicable for expenditure during the additional period of two years herein provided for: *Provided*, That hereafter the provisions of said act shall include and apply to the graves of Confederate soldiers and sailors lying in all national cemeteries

and cemeteries at Federal military stations, or localities throughout the country : *Provided further*, That the compensation of the commissioner shall be fixed by the Secretary of War.—*Act of Mar. 14, 1914* (38 Stat., 768).

242. Same, extended, fiscal year 1917.—That the act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate Army and Navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," approved March ninth, nineteen hundred and six; and continued in full force and effect for two years by joint resolution approved February twenty-sixth, nineteen hundred and eight; and for the additional period of one year by a joint resolution approved on February twenty-fifth, nineteen hundred and ten; and for the additional period of two years by a joint resolution approved December twenty-third, nineteen hundred and ten; and for the further additional period of two years by a joint resolution approved March fourteenth, nineteen hundred and fourteen, be, and the same is hereby, continued in full force and effect for two years from the expiration of the present continuation, March thirteenth, nineteen hundred and sixteen; and the unexpended balance of the appropriation made by said act of March ninth, nineteen hundred and six, is continued and made applicable for expenditure during the additional period of two years herein provided for: *Provided*, That the triplicate registers provided for in the original act shall include the time and place of death of each Confederate soldier prisoner of war: *Provided further*, That the compensation of the commissioner shall be fixed by the Secretary of War.—*Act of Apr. 17, 1916* (39 Stat., 52).

243. Monuments or tablets in Cuba and China.—For marking the places where American soldiers fell and were temporarily interred in Cuba and China. * * * dollars, said sum to be immediately available.—*Act of Mar. 3, 1905* (33 Stat., 1196).

244. For marking the places where American soldiers fell and were temporarily interred in Cuba and China, * * * dollars, said sum to be immediately available.—*Act of Mar. 2, 1907* (34 Stat., 1175).

245. For repairs and preservation of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell, * * * dollars.—*Act of Aug. 24, 1912* (37 Stat., 441).

INTERMENTS.

246. Honorably discharged soldiers, sailors, and marines.—All soldiers, sailors, or marines, dying in the service of the United States, or dying in a destitute condition, after having been honorably discharged from the service, or who served during the late war, either in the regular or volunteer forces, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man shall be sufficient authority for the superintendent of any cemetery to permit the interment.—*Sec. 4878, R. S., as amended by act of Mar. 3, 1897* (29 Stat., 625).

247. Honorably discharged Army nurses.—Army nurses, honorably discharged from their service as such may be buried in any national cemetery, and, if in a destitute condition, free of cost. The Secretary of War is authorized to issue certificates to those Army nurses entitled to such burial.—*Ibid.*

248. Arlington National Cemetery or cemeteries of District of Columbia.—For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, ex-sailors or ex-marines of the United States service, either regular or volunteer, who have been honorably discharged or retired and who die in the District of Columbia, to be disbursed by the Secretary of War, at a cost not exceeding forty-five dollars for such burial expenses in each case, exclusive of cost of grave, three thousand dollars, one-half of which sum shall be paid out of the revenues of the District of Columbia.—*Act of Mar. 4, 1907 (34 Stat., 1346).*

249. Little Rock, Arkansas, National Cemetery.—For expenses of burying in the Little Rock, Arkansas, National Cemetery, including transportation thereto, indigent ex-soldiers, ex-sailors, or ex-marines of the United States service, either regular or volunteer, who have been honorably discharged or retired and who die while patients at the Army and Navy General Hospital, Hot Springs, Arkansas, to be disbursed by the Secretary of War, at a cost not exceeding thirty-five dollars for such burial expenses in each case, exclusive of cost of grave.—*Act of June 25, 1910 (36 Stat., 724).*

250. Officers and men of the Revenue-Cutter Service.—Officers and men of the Revenue-Cutter Service dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, may be buried in any national cemetery free of cost, under the regulations now or hereafter provided for the burial of officers and men of the Army in national cemeteries.—*Act of Mar. 4, 1911 (36 Stat., 1389).*

JURISDICTION—CRIMINAL OFFENSES.

251. United States to have jurisdiction over.—From the time any State legislature shall have given, or shall hereafter give, the consent of such State to the purchase by the United States of any national cemetery, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by section eight, article one, of the Constitution of the United States; and all provisions relating to national cemeteries shall be applicable to the same.—*Sec. 4882, R. S.*

252. Penalty for defacing.—Every person who willfully destroys, mutilates, defaces, injures, or removes any monument, gravestone, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of any national cemetery, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars, and not more than one hundred, or by imprisonment for not less than fifteen days and not more than sixty. The superintendent in charge of any national cemetery is authorized to arrest forthwith any person engaged in committing any misdemeanor herein prohibited, and to bring such person before any United States commissioner or judge of any district or circuit court of the United States within any State or district where any of the cemeteries are situated, for the purpose of holding such person to answer for such misdemeanor, and then and there shall make complaint in due form.—*Sec. 4881, R. S.*

ROADWAYS.

253. Repairing roadways constructed by special act of Congress.—For repairing the roadways to national cemeteries which have been constructed by special authority of Congress * * * dollars.—*Act of Mar. 3, 1887 (24 Stat., 535).*

254. Repairs to roadways restricted.—No part of this sum shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.—*Act of Mar. 4, 1911 (36 Stat., 1399).*

255. Single approach only permissible.—No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.—*Act of July 1, 1916 (39 Stat., 286).*

256. Railroads not permitted upon right of way.—No railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided*, That no part of this sum shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.—*Annual appropriation acts.*

257. Roadway to national cemetery conveyed to city of Springfield, Missouri.—The Secretary of War is authorized and directed to convey to the city of Springfield, Missouri, all the right and title of the United States in and to those portions of the Government approach roadway to the national cemetery near that city which lie within the present limits of said city, upon the condition that the portion of the roadway so conveyed shall be kept open and maintained without expense to the United States as a public street of the city of Springfield and be available for the use of the public as an approach to said cemetery, and that all expense incident to the conveyance herein authorized be borne by the city of Springfield.—*Act of June 23, 1913 (38 Stat., 31).*

SUPERINTENDENTS OF.

258. Porter's lodge to be erected; authority for appointment of superintendent.—The Secretary of War shall cause to be erected at the principal entrance of each national cemetery a suitable building to be occupied as a porter's lodge; and shall appoint a meritorious and trustworthy superintendent to reside therein for the purpose of guarding and protecting the cemetery and giving information to parties visiting the same.—*Sec. 4873, R. S.*

259. Appointment of superintendent; qualifications, etc.—The superintendents of the national cemeteries shall be selected from meritorious and trustworthy soldiers, either commissioned officers or enlisted men of the Volunteer or Regular Army, who have been honorably mustered out or discharged from the service of the United States and who may have been disabled for active field service in the line of duty.—*Sec. 4874, R. S.*

260. Pay, etc., superintendents.—The superintendents of the national cemeteries shall receive for their compensation from sixty dollars to seventy-five dollars a month each, according to the extent and importance of the cemeteries to which they may be respectively assigned, to be determined by the Secretary of War, except the superintendent of the Arlington, Virginia, Cemetery, whose compensation may be one hundred dollars per month, at the discretion of the Secretary of War; and they shall also be furnished with quarters and fuel at the several cemeteries.—*Sec. 4875, R. S., amended by act of July 30, 1912 (37 Stat., 240).*

TRANSPORTATION AND BURIAL—EXPENSES OF.

261. Appropriation for.—To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action, or who die in the field or hospital in Alaska, and at places outside of the limits of the United States, or who die while on voyage at sea, * * * dollars.—*Act of Apr. 28, 1904 (33 Stat., 496).*

262. Reimbursing family, etc., for bringing home dead soldiers.—In all cases where an officer or an enlisted man in either the Army, Navy, Marine Corps of the United States, or contract surgeon or trained nurse in the employ of the Government, has died while on duty away from home since the first day of January, eighteen hundred and ninety-eight, and the remains have been taken home and buried at the expense of the family or friends of the deceased, the parties who paid the cost of transportation and burying such remains shall be repaid at the expense of the United States by the Secretary of the Treasury, not to exceed what it would have cost the United States to have transported the remains to their homes.—*Act of Mar. 3, 1899 (30 Stat., 1225).*

263. Appropriation for extended, fiscal year 1905.—For expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of non-commissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the twenty-first day of April, eighteen hundred and ninety-eight.—*Act of Apr. 23, 1904 (33 Stat., 269).*

264. Appropriation for extended, fiscal year 1911.—For the expenses of interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, including acting assistant surgeons, and enlisted men of the Army active list; for the expenses of interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department, who die abroad, inclusive of Alaska, or on Army transports; for the expenses of removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services to be paid out of the funds appropriated by this act, but no reimbursement shall be made under this act of such expenses incurred prior to the first day of July, nineteen hundred and ten.—*Act of June 25, 1910 (36 Stat., 723).*

265. Appropriation for limited; fiscal year 1915.—For expenses of interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, including assistant surgeons, and enlisted men of the Army active list; for the expenses of interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who die abroad, inclusive of Alaska and the Canal Zone, Panama, or on Army transports, or who die while on duty in the field or at military posts within the limits of the United States; for the expenses of interment of military prisoners who die at military posts; for the expenses of removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines, interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services, to be paid out of the funds appropriated by this act, but no reimbursement shall be made under this act of such expenses incurred prior to July first, nineteen hundred and ten.—*Act of Aug. 1, 1914 (38 Stat., 631). (See annual appropriation acts.)*

CONFEDERATE CEMETERIES, SECTIONS, PLATS, ETC.

266. Springfield, Missouri, Confederate Cemetery, acceptance of.—That the Confederate cemetery near Springfield, Missouri, and which adjoins the national cemetery at that place, having been tendered by proper authority to the United States Government, the same is hereby accepted, under the conditions that the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances; to preserve and keep a record, as far as possible, of the names of those buried therein, with such history of each as can be obtained, and to see that it is never used for any other purpose than as a cemetery for the graves of men who were in the military or naval service of the Confederate States of America; *Provided*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purposes of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War.—*Act of Mar. 3, 1911 (36 Stat., 1077).*

267. Same; transfer of, care and maintenance.—That the Secretary of War, under this act, is directed to take the necessary steps for the proper transfer of the cemetery to the Government, and when the same has been duly completed to put it in charge of the keeper of the national cemetery at Springfield, Missouri, requiring him to exercise the same care in the preservation, beautifying, and caretaking generally as is done in regard to the national cemetery. Also that a suitable gate or entryway be made in the stone wall which now divides the two cemeteries, so that persons may readily pass from one to the other. Whatever additional funds may be required for the purpose of carrying out the provisions of this act shall be paid out of any fund which may be available for the maintenance of national cemeteries.—*Sec. 2, ibid.*

268. Little Rock, Arkansas, Confederate Cemetery, acceptance of.—That the Secretary of War is hereby authorized to accept a conveyance to the United States of the Confederate cemetery in Little Rock, Arkansas, which adjoins the national cemetery at that place, and when so accepted the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances, and preserve and keep a record, as far as reasonably practicable, of the names of those buried therein, with such history of each as can be obtained, and to see that it is never used for any other purpose than as a cemetery for the graves of men who were in the military or naval service of the Confederate States of America: *Provided*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purposes of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War.—*Act of Feb. 7, 1913 (37 Stat., 663).*

269. Same; transfer of; care and maintenance.—That the Secretary of War, under this act, is directed to take the necessary steps for the proper transfer of the cemetery to the Government, and when the same has been duly completed, to put it in charge of the keeper of the national cemetery at Little Rock, Arkansas, requiring him to exercise the same care in the preservation, beautifying, and caretaking generally as is done in regard to the national cemetery; also that a suitable gate or entryway be made in the stone wall which now divides the two cemeteries so that persons may readily pass from one to the other. Whatever additional funds may be required for the purpose of carrying out the provisions of this act shall be paid out of any fund which may be available for the maintenance of national cemeteries.—*Sec. 2, ibid.*

270. Arlington National Cemetery, Confederate Section; reburial of Confederate soldiers buried in National Soldiers' Home.—To enable the Secretary of War to have reburied in some suitable spot in the national cemetery at Arlington, Virginia, and to place proper headstones at their graves, the bodies of about one hundred and twenty-eight Confederate soldiers now buried in the National Soldiers' Home, near Washington, District of Columbia, and the bodies of about one hundred and thirty-six Confederate soldiers now buried in the national cemetery at Arlington, Virginia, two thousand five hundred dollars, or so much thereof as may be necessary.—*Act of June 6, 1900 (31 Stat., 630).*

271. Same; Confederate soldiers of the Civil War dying in the District of Columbia or vicinity.—Hereafter person dying in the District of Columbia or in the immediate vicinity thereof who have served in the Confederate Armies during the Civil War may be buried in the Confederate section of the Arlington National Cemetery without additional expense to the United States upon the certificate of Camp Numbered One hundred and seventy-one, United Confederate Veterans of the District of Columbia, that such persons are entitled to burial under the authority herein given: *Provided*, That all such interments shall be under the supervision and subject to the approval of the Secretary of War.—*Act of Aug. 24, 1912 (37 Stat., 440).*

272. Oak Woods Cemetery, Chicago, Confederate Mound; care and maintenance of.—That the Secretary of War be, and he is hereby, authorized from time to time to enter into contract with the Oak Woods Cemetery Association

for the proper care, protection, and maintenance of the said plot of ground known as "Confederate Mound" and described in section one of this act: *Provided, however, That the annual expense thereof shall not exceed the sum of two hundred and fifty dollars.*—*Act of Feb. 7, 1903 (32 Stat., 804).*

273. Confederate burial plats; care and maintenance of.—For the care, protection, and maintenance of Confederate burial plats, owned by the United States, located and known by the following designations: Confederate Cemetery, North Alton, Illinois; Confederate Cemetery, Camp Chase, Columbus, Ohio; Confederate section Greenlawn Cemetery, Indianapolis, Indiana; Confederate Cemetery, Point Lookout, Maryland; and Confederate Cemetery, Rock Island, Illinois, \$1,250.—*Act of Aug. 24, 1912 (37 Stat., 441).*

274. Confederate Stockade Cemetery, Johnstons Island, in Sandusky Bay.—For care, protection, and maintenance of Confederate Stockade Cemetery, Johnston Island, in Sandusky Bay, * * *.—*Act of Aug. 1, 1914 (38 Stat., 631).*

ANTIETAM BATTLE FIELD.

275. Preserving, etc., lines of battle; sites for tablets; supervision of land acquired.—For the purpose of surveying, locating, and preserving the lines of battle of the Army of the Potomac and of the Army of Northern Virginia at Antietam, and for marking the same, and for locating and marking the position of each of the forty-three different commands of the Regular Army engaged in the Battle of Antietam, and for the purchase of sites for tablets for the marking of such positions, fifteen thousand dollars. And all lands acquired by the United States for this purpose, whether by purchase, gift, or otherwise, shall be under the care and supervision of the Secretary of War.—*Act of Aug. 30, 1890 (26 Stat., 401).*

276. Same; extended.—For completing the work of locating, preserving, and marking the lines of battle at Antietam, and for proper marking with tablets, each bearing a brief historical legend compiled without praise and without censure, the positions occupied by the several commands of the Armies of the Potomac and of Northern Virginia on that field, and for opening and improving avenues along the positions occupied by troops upon those lines, and for fencing the same, nine thousand four hundred and twenty-one dollars, to be immediately available, and to be expended under the direction of the Secretary of War: * * *.—*Act of Mar. 2, 1895 (28 Stat., 950).*

277. Repair and preservation of monuments, tablets, roads, etc.—For repair and preservation of monuments, tablets, observation tower, roads, and fences, and so forth, made and constructed by the United States upon public land within the limits of the Antietam battle field, near Sharpsburg, Maryland, * * * dollars.—*Act of July 1, 1898 (30 Stat., 634).*

278. Superintendent of; pay, etc.—For pay of superintendent of Antietam battle field, said superintendent to perform his duties under the direction of the Quartermaster Corps and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, \$1,500.—*Act of July 1, 1916 (39 Stat., 287).*

UNITED STATES CEMETERY NEAR THE CITY OF MEXICO.

279. Establishment and maintenance of.—The President is authorized to provide, out of the ordinary annual appropriations, for establishing and maintaining United States military cemeteries, for the proper care and preservation and maintenance of the cemetery or burial ground near the City of Mexico, in which are interred the remains of officers and soldiers of the United States, and of citizens of the United States, who fell in battle or died in and around said city.—*Sec. 4879, R. S.*

280. Rules and regulations governing.—The cemetery in Mexico shall be subject to the rules and regulations affecting United States national military cemeteries within the limits of the United States, so far as they may, in the opinion of the President, be applicable thereto.—*Sec. 4880, R. S.*

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ANNUITIES.

281. Jennie Carroll, payment to.—The Secretary of War be, and he is hereby, authorized and directed to place on the roll of the War Department the name of Jennie Carroll, widow of James Carroll, major and surgeon, United States Army, and pay her for and during the time of her natural life, in lieu of all pensions, the sum of one hundred and twenty-five dollars per month, in special recognition of the eminent services of said James Carroll, in discovering the means of preventing, as well as the cause and method of transmission and propagation of, yellow fever, and demonstrating on his own person the truth of the theory of the transmission and propagation of yellow fever infection by mosquitoes.—*Act of May 23, 1908 (35 Stat., 1325).* See also *annual appropriation acts.*

282. Mabel H. Lazear, payment to.—The Secretary of War be, and he is hereby, authorized and directed to place on the rolls of the War Department the name of Mabel H. Lazear, widow of Doctor Jesse W. Lazear, late acting assistant contract surgeon, United States Army, and pay her for and during the time of her natural life, in lieu of all pensions, the sum of one hundred and twenty-five dollars per month, in special recognition of the eminent services of said Jesse W. Lazear in discovering the means of preventing, as well as the cause and method of transmission and propagation of, yellow fever, and demonstrating on his own person the truth of the theory of the transmission and propagation of yellow fever infection by mosquitoes, and the sacrifice of his life in proving the same.—*Ibid.*

283. John R. Kissinger, payment to.—The Secretary of War be, and he is hereby, authorized and directed to place on the rolls of the War Department the name of John R. Kissinger, late of Company D, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and also late of the Hospital Corps, United States Army, and pay to him for and during his natural life, in lieu of all pensions, the sum of one hundred dollars per month, in special recognition of the eminent service rendered, suffering endured, and permanent disabilities contracted by him in the interest of humanity and science as a volunteer subject for experiment in the yellow-fever hospital in Cuba.—*Act of Feb. 15, 1911 (36 Stat., 1919).* (See also *annual appropriation acts.*)

ARMY FIELD CLERKS AND FIELD CLERKS, QUARTERMASTER CORPS.

284. Army field clerks; pay, etc.—Hereafter headquarters clerks shall be known as Army field clerks and shall receive pay at the rates herein provided, and after twelve years of service, at least three years of which shall have been on detached duty away from permanent station or on duty beyond the continental limits of the United States, or both, shall receive the same allowances, except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps, and shall be subject to the rules and articles of war.—*Sec. 1, act of Aug. 29, 1916 (39 Stat., 625).*

285. Field clerks, Quartermaster Corps; pay, etc.—Hereafter not to exceed two hundred clerks, Quartermaster Corps, who shall have had twelve years of service, at least three years of which shall have been on detached duty away from permanent station or on duty beyond the continental limits of the United States, or both, shall be known as field clerks, Quartermaster Corps, and shall receive the same allowances, except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps, and shall be subject to the rules and articles of war.—*Ibid.*

286. Commutation of quarters, where no public quarters are available.—Hereafter, at places where there are no public quarters available, commutation for the authorized allowance therefor shall be paid to * * * pay clerks at the rate of \$12 per room per month.—*Act of Mar. 4, 1915 (38 Stat., 1069).*

287. Commutation of quarters, heat, and light.—For commutation of quarters and of heat and light.—*Act of Aug. 29, 1916 (39 Stat., 625).* (*See annual appropriation acts.*)

288. Mileage.—Hereafter Army paymasters' clerks * * * shall receive mileage at the same rates and under the same conditions as is provided by law for officers of the Army.—*Sec. 1, act of Aug. 24, 1912 (37 Stat., 575).*

289. Allowances of to be same as Navy paymasters' clerks.—Hereafter the pay and allowances of Army paymasters' clerks shall be the same as provided for the Navy paymasters' clerks on shore duty.—*Act of Mar. 3, 1911 (36 Stat., 1044).*

AVIATION DUTY.

290. Aviation officers, increased pay.—Each aviation officer authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of twenty-five per centum in the pay of his grade and length of service under his commission.—*Sec. 13, act of June 3, 1916 (39 Stat., 175).*

291. Same.—That any officer attached to the aviation section of the Signal Corps for any military duty requiring him to make regular and frequent flights shall receive an increase of twenty-five per centum of the pay of his grade and length of service under his commission.—*Sec. 6, act of July 24, 1917 (40 Stat., 245).*

292. Junior military aviators, rank, pay, and allowances.—Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if

his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of fifty per centum in the pay of his grade and length of service under his commission.—*Ibid.*

293. Military aviators, rank, pay, and allowances.—Each military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of seventy-five per centum of the pay of his grade and length of service under his commission.—*Ibid.*

294. Aviators, Signal Corps; creation of grade, discharge, pay, and allowances.—When it shall be impracticable to obtain from the Army officers suitable for the aviation section of the Signal Corps in the number allowed by law the difference between that number and the number of suitable officers actually available for duty in said section may be made up by appointments in the grade of aviator, Signal Corps, and that grade is hereby created. The personnel for said grade shall be obtained from especially qualified civilians who shall be appointed and commissioned in said grade: *Provided further*, That whenever any aviator shall have become unsatisfactory he shall be discharged from the Army as such aviator. The base pay of an aviator, Signal Corps, shall be one hundred and fifty dollars per month, and he shall have the allowances of a master signal electrician and the same percentage of increase in pay for length of service as is allowed to a master signal electrician.—*Ibid.*

295. Enlisted men; number to be instructed.—The Secretary of War shall have authority to cause as many enlisted men of the aviation section to be instructed in the art of flying as he may deem necessary.—*Ibid.*

296. Same. Increased pay.—Each aviation enlisted man, while on duty that requires him to participate regularly and frequently in aerial flights, or while holding the rating of aviation mechanic, shall receive an increase of fifty per centum in his pay.—*Act of July 18, 1914 (38 Stat., 516).*

297. Reserve officers and enlisted men, aviation section, Signal Corps, to be paid by Quartermaster Corps disbursing officers.—Hereafter all reserve officers and enlisted men of the aviation section of the Signal Corps shall be paid by Quartermaster Corps disbursing officers from funds transferred to their credit from Signal Corps appropriations.—*Sec. 9, Act of July 24, 1917 (40 Stat., 246).*

CHIEF OF STAFF—OFFICE OF.

298. Clerks, messengers, and laborers; pay of.—One chief clerk, at two thousand two hundred and fifty dollars per annum; four clerks, at two thousand dollars each per annum; six clerks, at one thousand eight hundred dollars each per annum; eleven clerks, at one thousand six hundred dollars each per annum; fifteen clerks, at one thousand four hundred dollars each per annum; twenty-one clerks, at one thousand two hundred dollars each per annum; thirteen clerks, at one thousand dollars each per annum; one captain of the watch, at nine hundred dollars per annum; three watchmen, at seven hundred and twenty dollars each per annum; one gardener, at seven hundred and twenty dollars per annum; one packer, at eight hundred and forty dollars per annum; one chief messenger, at one thousand dollars per annum; one messenger, at eight hundred

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and forty dollars per annum; twenty messengers, at seven hundred and twenty dollars each per annum; one laborer, at six hundred and sixty dollars per annum; two laborers, at six hundred dollars each per annum; five charwomen, at two hundred and forty dollars each per annum; in all, one hundred twenty-one thousand seven hundred and seventy dollars.—*Annual appropriation act.*

299. Assignment to duty in War Department prohibited.—No clerk, messenger, or laborer at * * * office of the Chief of Staff shall be assigned to duty in any bureau of the War Department.—*Annual appropriation act.*

COMPUTER, ARTILLERY BOARD.

300. Annual pay of.—For pay of one computer for Artillery Board, two thousand five hundred dollars.—*Annual appropriation acts.*

CONTRACT SURGEONS.

301. Number of to be appointed; compensation, etc.—In emergencies the Surgeon General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary, at a compensation not to exceed one hundred and fifty dollars per month.—*Sec. 18, act of Feb. 2, 1901 (31 Stat., 752).*

302. Authority to transfer or assign pay accounts.—Hereafter contract surgeons * * * on duty in Alaska, Hawaii, the Philippine Islands, and Porto Rico may transfer or assign their pay accounts, when due and payable, in the methods now provided by regulations for commissioned officers of the Army.—*Act of Apr. 23, 1904 (33 Stat., 266).*

303. Mileage.—Mileage is payable to contract surgeons under the same laws and regulations as to officers of the Army.—*Act of June 12, 1906 (34 Stats., 246).*

304. Travel expenses.—Hereafter actual expenses only, not to exceed four dollars and fifty cents per day and cost of transportation when not furnished by the Quartermaster's Department, shall be paid to * * * contract surgeons * * * when traveling on duty without troops, under competent orders, within the geographical limits of the Territory of Alaska.—*Act of May 11, 1908 (35 Stat., 114).*

DECEASED OFFICERS AND ENLISTED MEN—ACCOUNTS OF.

305. Settlement of; amounts due, distribution to heirs.—Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than five hundred dollars and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes.—*Sec. 1, act of June 30, 1906 (34 Stats., 750).*

306. *Payment of funeral expenses.*—This act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.—*Ibid.*

EXCHANGE.

307. *Payment of.*—For payment of exchange by acting quartermasters serving in foreign countries and when specially authorized by the Secretary of War by officers disbursing funds pertaining to the Quartermaster Corps when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Quartermaster Corps at the legal valuation fixed by the Secretary of the Treasury.—*Act of Oct. 6, 1917 (40 Stat., 357).*

EXPERT ACCOUNTANT, INSPECTOR GENERAL'S OFFICE.

308. *Pay of.*—For pay of one expert accountant for the Inspector General's Department, to be appointed in case of vacancy, by the Secretary of War, two thousand five hundred dollars.—*Act of Feb. 24, 1891 (26 Stat., 773).*

309. *Mileage, same as for officers.*—Hereafter * * * the expert accountant, Inspector General's Department, shall receive mileage at the same rates and under the same conditions as is provided by law for officers of the Army.—*Sec. 1, act of Aug. 24, 1912 (37 Stat., 575).*

FOREIGN SERVICE.

310. *Increased pay for.*—Hereafter the pay proper of all commissioned officers and enlisted men serving beyond the limits of the States comprising the Union and the Territories of the United States contiguous thereto shall be increased ten per centum for officers and twenty per centum for enlisted men over and above the rates of pay proper as fixed by law for time of peace, and the time of such service shall be counted from the date of departure from said States to the date of return thereto.—*Act of June 30, 1902 (32 Stat., 512).*

311. *Service beyond the limits of the States, etc.*—Increase of pay for service beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, shall be as now provided by law.—*Act of May 11, 1908 (35 Stat., 110).*

312. *Service on transports, Philippine Archipelago.*—Officers and enlisted men who have served on Army transports in the Philippine Archipelago at any time since May twenty-sixth, nineteen hundred, under the control and orders of the commanding general, Philippines Division, or who may hereafter so serve, shall be entitled to receive the same rate of pay as is provided by law for officers and enlisted men serving at shore stations beyond the limits of the United States.—*Act of May 11, 1908 (35 Stat., 114).*

313. *Service in Canal Zone, Panama, Hawaii, or Porto Rico.*—Hereafter the laws allowing increase of pay to officers and enlisted men for foreign service shall not apply to service in the Canal Zone, Panama, or Hawaii, or Porto Rico.—*Act of Aug. 24, 1912 (37 Stat., 576).*

GENERAL STAFF CORPS.

314. *Mobile Army and Coast Artillery Divisions abolished, business transferred; Chief of Coast Artillery assigned to General Staff, duties, etc.*—The organizations heretofore existing in or in connection with the office of the Chief of Staff under the designation of the mobile army division and the Coast Artillery division be, and they are hereby, abolished and shall not be reestablished. The business heretofore transacted in said divisions, except such as comes clearly within the general powers specified in and conferred upon members of the General Staff Corps by the organic act of Congress, approved February fourteenth, nineteen hundred and three, is hereby transferred as follows, to wit, to the office of the Chief of Coast Artillery, all business apportioned to that office by law or Army regulations at the time of the creation of the Coast Artillery division of the office of the Chief of Staff; to the office of The Adjutant General or other bureau or bureaus concerned, all other business; and, subject to the exercise of the supervising, coordinating, and informing powers conferred upon members of the General Staff Corps by the act of Congress last hereinbefore cited, the business transferred by this proviso to certain bureaus or offices shall hereafter be transacted exclusively by or under the direction of the respective heads thereof; and the Chief of Coast Artillery shall be an additional member of the General Staff Corps and shall also be advisor to and informant of the Chief of Staff in respect to the business under his charge.—*Sec. 5, act of June 3, 1916 (39 Stat., 168).*

315. *Specific duties of General Staff Corps to be adhered to.*—Hereafter members of the General Staff Corps shall be confined strictly to the discharge of the duties of the general nature of those specified for them in this section and in the organic act of Congress last hereinbefore cited, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof. *Ibid.*

316. *Officers allowing violations to lose pay, etc.*—All pay and allowances shall be forfeited by any superior for any period during which, by his order or his permission, or by reason of his neglect, any subordinate shall violate any of the foregoing provisions of this section.—*Ibid.*

HEADQUARTERS OF THE SEVERAL TERRITORIAL DEPARTMENTS, DISTRICTS, DIVISIONS, AND BRIGADES, AND SERVICE SCHOOLS.

317. *Clerks and messengers; pay, etc.*—Seven clerks, at two thousand dollars each per annum; eleven clerks, at one thousand eight hundred dollars each per annum; fourteen clerks, at one thousand six hundred dollars each per annum; thirty-two clerks, at one thousand four hundred dollars each per annum; fifty-seven clerks, at one thousand two hundred dollars each per annum; forty-nine clerks, at one thousand dollars each per annum; thirty-nine messengers, at seven hundred and twenty dollars each per annum; in all two hundred and forty-six thousand four hundred and eighty dollars.—*Annual appropriation act.*

318. *Assignment to duty in War Department prohibited.*—No clerk, messenger, or laborer at headquarters of tactical divisions, military departments, bri-

gades, service schools * * * shall be assigned to duty in any bureau of the War Department.—*Annual appropriation act.*

319. Increased pay for foreign service.—On and after July first, nineteen hundred and fourteen, the pay of clerks and messengers at headquarters of territorial departments, tactical divisions, brigades, and service schools, who are citizens of the United States, shall be increased two hundred dollars each per annum while serving in the Philippine Islands, such service to be computed from the date of departure from the continental limits of the United States to the date of return thereto.—*Act of Mar. 4, 1915 (38 Stat., 1067).*

320. Authority for employment of Filipinos.—The money hereby appropriated for such of said clerks at one thousand two hundred dollars and one thousand dollars each per annum, and such of said messengers at seven hundred and twenty dollars each per annum as may be employed and assigned by the Secretary of War to the headquarters of the Philippine Department, districts and posts therein, may, in case of vacancy and in the discretion of the commanding general, Philippine Department, be expended, in whole or in part, for the employment of Filipinos as clerks at not to exceed five hundred dollars each per annum, and messengers at not to exceed three hundred dollars per annum. And said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.—*Ibid.*

MILITARY ACADEMY.

APPROPRIATION.

321. To be disbursed and accounted for by Quartermaster Corps.—All the money hereinbefore appropriated for the pay of the Military Academy shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Military Academy, and for that purpose shall constitute one fund.—*Annual appropriation act.*

322. Settlement of transactions between Military Academy and bureaus of the War Department.—Hereafter in settling transactions between appropriations for the support of the United States Military Academy and other bureaus of the War Department, or between the United States Military Academy and any other executive department of the Government, payment therefor shall be made by the disbursing officer of the United States Military Academy or of the office, bureau, or department concerned.—*Act of Aug. 11, 1916 (39 Stat., 504).*

CADETS.

323. Annual pay.—The pay of cadets at the Military Academy shall hereafter be six hundred dollars a year.—*Act of May 11, 1908 (35 Stat., 108).*

324. Traveling expense; candidates.—Hereafter the actual and necessary traveling expenses of candidates while proceeding from their homes to the Military Academy for qualification as cadets shall, if admitted, be credited to their accounts and paid after admission from the appropriation for the transportation of the Army and its supplies.—*Act of June 28, 1902 (32 Stat., 409).*

325. Rations and commutation therefor.—Hereafter cadets shall be entitled to rations, or commutation therefor, as hitherto allowed under the act approved June twenty-eighth, nineteen hundred and two.—*Act of May 28, 1908 (35 Stat., 430).*

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326. Rations, commutation of, rate, etc.—Of commutation of rations to the cadets of the United States Military Academy in lieu of the regular established ration, at the rate of forty cents per ration.—*Act of Aug. 29, 1916 (39 Stat., 630)*. See *annual appropriation acts*.

327. Graduates, pay of.—Every cadet who has heretofore graduated or may hereafter graduate at the West Point Military Academy, and who has been, or may hereafter be, commissioned a second lieutenant in the Army of the United States, under the laws appointing such graduates to the Army, shall be allowed full pay as second lieutenant from the date of his graduation to the date of his acceptance of and qualification under his commission and during his graduation leave, in accordance with the uniform practice which has prevailed since the establishment of the Military Academy.—*Act of Dec. 20, 1886 (24 Stat., 351)*.

328. Same—Mileage.—Hereafter a graduate of the Military Academy shall receive mileage as authorized by law for officers of the Army from his home to the station which he first joins for duty.—*Act of Aug. 9, 1912 (37 Stat., 252)*.

CIVILIANS.

329. Chapel organist and choirmaster; public quarters, fuel, and light.—Hereafter the chapel organist and choirmaster shall be entitled to public quarters when available and to the same allowances with respect to fuel and light as those of a second lieutenant when occupying public quarters.—*Act of Aug. 11, 1916 (39 Stat., 497)*.

330. Custodian of gymnasium.—For pay of one custodian of gymnasium, who shall hereafter be selected and appointed by the Superintendent of the Military Academy under Schedule A, classified positions excepted from examination under rule two, clause three, civil-service rules, who shall be qualified to act as trainer for the various cadet athletic teams, one thousand two hundred dollars.—*Act of Mar. 3, 1911 (36 Stat., 1019)*.

ENLISTED MEN.

331. Additional pay of certain.—The noncommissioned officer in charge of mechanics and other labor at the Military Academy, the soldier acting as clerk in the adjutant's office, and the four enlisted men in the philosophical and chemical departments and lithographic office shall receive fifty dollars a year additional pay.—*Sec. 1341, R. S.*

332. Acting first sergeant, detachment of engineers; pay, etc.—Hereafter the pay and allowances of the acting first sergeant of the United States Military Academy detachment shall be the same as the pay and allowances of a first sergeant of a company of engineers.—*Act of Mar. 3, 1911 (36 Stat., 1019)*.

333. Same; when retired.—When an acting first sergeant of the detachment of engineers may hereafter be retired his retired pay and allowances shall be the same as the pay and allowances of a retired first sergeant of a company of engineers.—*Ibid.*

334. Engineer detachment; pay and allowances.—Hereafter there shall be maintained at the United States Military Academy an engineer detachment,

which shall consist of one first sergeant, one quartermaster sergeant, eight sergeants, ten corporals, two cooks, two musicians, thirty-eight first-class privates, and thirty-eight second-class privates. * * * That the enlisted men of said detachment shall receive the same pay and allowances as are now or may be hereafter authorized for corresponding grades in the battalions of engineers—*Act of Aug. 9, 1912 (37 tSat., 254)*.

335. Extra-duty pay limited.—The extra-duty pay provided by the preceding paragraphs shall not be paid to any enlisted man who received extra-duty pay under existing laws or Army regulations.—*Annual appropriation acts*.

336. Band and field musicians; monthly and continuous service pay.—Hereafter the monthly pay during the first enlistment of enlisted men of the band and field musicians of the United States Military Academy shall be as hereinbefore stated, and the continuous-service pay of all grades shall be the same as provided in the act approved May eleventh, nineteen hundred and eight, entitled "An act making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and nine": *Provided*, That the band or members thereof and the field musicians of the Military Academy shall not receive remuneration for furnishing music outside the limits of the military reservation when the furnishing of such music places them in competition with local civilian musicians.—*Act of May 28, 1908 (35 Stat., 431)*.

337. Army service detachment; extra pay of.—Extra pay of the enlisted men of the Army service detachment, Quartermaster's Department, on extra duty at West Point.—*Annual appropriation act*.

338. Overseer, extra-duty pay from appropriation for waterworks.—From the foregoing appropriations for waterworks, or from any appropriation that may hereafter be made for waterworks, a sum of not to exceed seventy-five cents per day may be paid as extra-duty pay to the overseer, when such overseer is a soldier detailed for that duty.—*Act of Mar. 2, 1901 (31 Stat., 920)*.

339. Headquarters, Corps of Cadets, rank, pay, etc.—The enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowances of that grade (battalion sergeant major, Infantry).—*Act of Aug. 11, 1916 (39 Stat., 496)*.

OFFICERS.

340. Superintendent, and commandant of cadets; pay, etc.—The superintendent of the Military Academy shall have the pay of a colonel, and the commandant of cadets shall have the pay of a lieutenant colonel.—*Sec. 1334, R. S.*

341. Professors; pay, etc.—Each of the professors of the Military Academy whose service as professor at the academy exceeds ten years shall have the pay and allowances of colonel and all other professors shall have the pay and allowances of lieutenant colonels.—*Sec. 1336, R. S., as amended by act of June 23, 1879 (21 Stat., 34)*.

342. Instructor of ordnance and science of gunnery; pay, etc.—The instructor of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of major.—*Sec. 1336, R. S., as amended by act of June 23, 1879 (21 Stat., 34)*.

343. Professor of English and history.—The head of the department of English and history shall hereafter have the same status as the professors at the head of the other departments of instruction at the Military Academy, and the President of the United States is hereby authorized, by and with the consent of the Senate, to appoint a civilian in the department of English and history, United States Military Academy, a professor at the Military Academy, with the rank, pay, allowances, title, and status of the other professors: *Provided further*, That the provisions of law relating to retirement for disability in line of duty shall not apply in the case of this professor until after he shall have served fifteen years at the Military Academy.—*Act of Apr. 19, 1910 (36 Stat., 312)*.

344. Professors, ten per centum increase.—Hereafter there shall be allowed and paid to the said professors ten per centum of their current yearly pay for each and every term of five years' service in the Army and at the Academy: *Provided*, That such addition shall in no case exceed forty per centum of said yearly pay; and said professors are hereby placed upon the same footing, as regards restrictions upon pay and retirement from active service, as officers of the Army.—*Sec. 1336, R. S., as amended by act of June 23, 1879 (21 Stat., 34)*.

345. Associate professor of modern languages; pay, etc.—The Secretary of War shall assign an officer of the Army to the Military Academy as associate professor of modern languages and that such officer while so serving shall receive the pay and allowances of a major.—*Act of Mar. 3, 1903 (32 Stat., 1012)*.

346. Associate professor of mathematics; pay, etc.—The associate professor of mathematics shall have the pay and allowances of a major.—*Act of Mar. 3, 1905 (33 Stat., 850)*.

347. Assistant professors, pay and allowances.—Each assistant professor and each senior assistant instructor of Cavalry, Artillery, and Infantry tactics and the instructor of practical military engineering shall receive the pay of a captain.—*Sec. 1337, R. S.*

348. Assistant instructors of tactics, pay and allowances.—The assistant instructors of tactics commanding cadet companies at West Point shall receive the pay and allowances as assistant professors in the other branches of study.—*Act of Mar. 3, 1875 (18 Stat., 467)*.

349. Professors, retirement.—The professors of the Military Academy at West Point are placed on the same footing, as to retirement from active service, as officers of the Army.—*Sec. 1333, R. S.*

350. Master of the sword.—The master of the sword shall have the relative rank and shall be entitled to the pay, allowances, and emoluments of a captain mounted.—*Act of Mar. 3, 1905 (33 Stat., 850)*.

351. Same—Present incumbent to have pay, etc., of a major.—The master of the sword shall have the relative rank and shall be entitled to the pay, allowances, and emoluments of a major during the active service of the present incumbent of that office.—*Act of May 29, 1917 (40 Stat., 90)*.

352. Teacher of music; pay, emoluments, etc.—The teacher of music shall receive the pay of a second lieutenant not mounted * * * and shall be

entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are or may hereafter become applicable to other officers * * * of the Army.—*Act of Mar. 3, 1905 (33 Stat., 853).*

353. Librarian and assistant librarian.—The librarian and assistant librarian at the Military Academy shall each receive one hundred and twenty dollars a year additional pay.—*Sec. 1340, R. S.*

354. Adjutant.—The adjutant of the Military Academy shall have the pay of an adjutant of a Cavalry regiment.—*Sec. 1335, R. S.*

355. Treasurer and quartermaster and commissary of cadets.—For pay of treasurer and quartermaster and commissary of cadets, in addition to pay as captain, six hundred dollars.—*Annual appropriation act.*

356. Chaplain; pay and allowances.—The duties of chaplain at the Military Academy shall hereafter be performed by a clergyman to be appointed by the President for a term of four years, and the said chaplain shall be eligible for reappointment for an additional term or terms, and shall, while so serving, receive the same pay and allowances as are now allowed to a captain mounted.—*Act of Feb. 18, 1896 (29 Stat., 8).*

357. Constructing quartermaster; additional pay.—For pay of one constructing quartermaster, in addition to his regular pay, one thousand dollars: *Provided*, That this increased salary shall only apply during the time this office is held by the present incumbent.—*Act of Mar. 3, 1911 (36 Stat., 1017).*

358. Same—Limitation repealed.—So much of the act approved March third, nineteen hundred and eleven, making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and twelve, as provided that the increase of salary of the constructing quartermaster should only apply during the term the office was held by the then incumbent is hereby repealed, and the additional pay thus provided is available for the present incumbent from the date he entered upon his duties.—*Act of Aug. 9, 1912 (37 Stat., 252).*

359. One line officer on duty in the quartermaster's department at the Academy; pay, etc.—For pay of one line officer on duty in the quartermaster's department at the Academy, in addition to pay as first lieutenant, four hundred dollars.—*Act of Mar. 4, 1913 (37 Stat., 857).*

360. Permanent professor, thirty-three years' service.—Any officer of the United States Army now holding the position of permanent professor at the United States Military Academy who on July first, nineteen hundred and fourteen, should have served not less than thirty-three years in the Army, one-third of which service shall have been as professor and instructor at the Military Academy, shall on that date have the rank, pay, and allowances of a colonel of the Army.—*Act of Aug. 9, 1912 (37 Stat., 264).*

361. Same.—Any officer of the United States Army now holding the position of permanent professor at the United States Military Academy who on July first, nineteen hundred and sixteen, should have served not less than thirty-

three years in the Army, one-third of which service shall have been as professor and instructor at the Military Academy, shall on that date have the rank, pay, and allowances of a colonel of the Army.—*Act of Aug. 11, 1916 (39 Stat., 493).*

LEAVE OF ABSENCE.

362. Of superintendent.—Leave of absence may be granted by the superintendent (of the Military Academy), under regulations prescribed by the Secretary of War, to the professors, assistant professors, instructors, and other officers of the academy for the entire period of the suspension of the ordinary academic studies, without deduction from pay or allowances.—*Sec. 1330, R. S.*

363. Of officers, professors, etc.—Hereafter the Secretary of War may grant the superintendent of the academy leave of absence without deduction from pay or allowances for the same period that the superintendent may grant leave of absence to other officers of the academy under the provisions of section thirteen hundred and thirty of the Revised Statutes.—*Act of Aug. 9, 1912 (37 Stat., 263).*

NAVAL AND MARINE DETACHMENTS.

364. On shore duty; equipage, transportation, horses, forage, etc., to be furnished.—The officers of the Quartermaster's Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in cooperation with land troops, and during the time each detachment is so acting or proceeding to act, furnish the officers and seamen with camp equipage, together with transportation for said officers, seamen, and marines, their baggage, provisions, and cannon, and shall furnish the naval officer commanding any such detachment, and his necessary aids, with horses, accouterments, and forage.—*Sec. 1135, R. S.*

365. Rations to be furnished; when.—The officers of the subsistence department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in cooperation with the land troops, and during the time such detachment is so acting or proceeding to act, furnish rations to the officers, seamen, and marines of the same.—*Sec. 1143, R. S.*

NURSE CORPS (FEMALE).

366. Superintendent of; annual pay, etc.—The Nurse Corps (female) shall consist of one superintendent, to be appointed by the Secretary of War, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, whose compensation shall be one thousand eight hundred dollars per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed.—*Sec. 19, act of Feb. 2, 1901 (31 Stat., 753).*

367. Same—Quarters, subsistence, and medical care.—Hereafter the superintendent of the Nurse Corps shall receive such allowances of quarters, subsistence, and medical care during illness as may be prescribed in regulations by the Secretary of War.—*Act Aug. 29, 1916 (39 Stat., 626).*

368. Same—Transportation and travel expenses; when.—The superintendent and nurses shall receive transportation and necessary expenses when traveling under orders.—*Sec. 19, act of Feb. 2, 1901 (31 Stat., 753).*

369. Allowances, when on duty.—The superintendent shall be entitled to the same allowances, when on duty, as the members of the Nurse Corps.—*Act Mar. 23, 1910 (36 Stat., 249).*

370. Nurses, chief nurses, and reserve nurses; rates of pay, leave, etc.—Female nurses, fifty dollars per month for the first period of three years' service; fifty-five dollars per month for the second period of three years' service; sixty dollars per month for the third period of three years' service; and sixty-five dollars per month after nine years' service in said Nurse Corps; and all female nurses shall hereafter be entitled, in addition to the rates of pay as herein provided, to ten dollars per month when serving beyond the limits of the States comprising the Union and the Territories of the United States contiguous thereto (excepting Porto Rico and Hawaii), and to cumulative leave of absence with pay at the rate of thirty days for each calendar year of service in said corps; and when serving as chief nurses their pay may be increased by authority of the Secretary of War, such increase not to exceed thirty dollars per month.—*Act of Mar. 23, 1910 (36 Stat., 249).*

371. Commutation of rations.—Of the regulation allowances of commutation in lieu of rations to * * * male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind * * * on leaves of absence.—*Annual appropriation acts.*

372. Same—On duty in hospitals.—For payment of the regulation allowances of commutation in lieu of rations for members of the Nurse Corps (female), while on duty in hospital, * * * to be paid to the surgeon in charge.—*Act of Oct. 6, 1917 (40 Stat., 558).* (*See also annual appropriation acts.*)

373. Commutation of quarters.—Hereafter, at places where there are no public quarters available, commutation for the authorized allowance therefor shall be paid to * * * members of the Nurse Corps * * * at the rate of \$12 per room per month.—*Act of Mar. 4, 1915 (38 Stat., 1069).*

374. Commutation of quarters, heat, and light.—For commutation of quarters and of heat and light to * * * members of the Nurse Corps, * * * on duty at places where no public quarters are available.—*Annual appropriation acts.*

375. Reserve nurses; no compensation except for active duty.—Reserve nurses may be assigned to active duty when the emergency of the service demands, but shall receive no compensation except when on such duty: *Provided*, That all nurses in the Nurse Corps shall be appointed or removed by the Surgeon General, with the approval of the Secretary of War; that they shall be graduates of hospital training schools, and shall have passed a satisfactory professional, moral, mental, and physical examination.—*Sec. 19, Act of Feb. 2, 1901 (31 Stat., 753).*

376. Allowances during illness and annual leave.—They (members of the Nurse Corps) shall be entitled to quarters, subsistence, and medical attendance during illness, and they may be granted leaves of absence for thirty days, with pay, for each calendar year.—*Sec. 19, Act of Feb. 2, 1901 (31 Stat., 753).*

377. Cumulative leave.—The superintendent and members of the Female Nurse Corps when serving in Alaska or at places without the limits of the United States may be allowed the same privileges in regard to cumulative leaves of absence and method of computation of same as are now allowed by law to Army officers so serving.—*Act of Mar. 4, 1912 (37 Stat., 72).*

378. Hospital matrons; monthly pay, etc.—Hospital matrons in post or regimental hospitals shall receive ten dollars a month, and female nurses in general hospitals shall receive forty cents a day. One ration in kind or by commutation shall be allowed to each.—*Sec. 1277, R. S.*

379. Rations in kind; hospital matrons, members of Female Nurse Corps, and nurses employed in post and regimental hospitals.—Hospital matrons and nurses employed in post or regimental hospitals (and members of the Female Nurse Corps) shall be entitled to receive one ration daily.—*Sec. 1295, as amended by sec. 19, act of Feb. 2, 1901 (31 Stat., 753).*

PHILIPPINE SCOUTS.

380. Enlistment of Philippine natives.—When in his opinion the conditions in the Philippine Islands justify such action the President is authorized to enlist natives of those islands for service in the Army, to be organized as scouts, with such officers as he shall deem necessary for their proper control, or as troops or companies, as authorized by this act, for the Regular Army. The President is further authorized, in his discretion, to form companies, organized as are companies of the Regular Army, in squadrons or battalions, with officers and noncommissioned officers corresponding to similar organizations in the Cavalry and Infantry arms. The total number of enlisted men in said native organizations shall not exceed twelve thousand, and the total enlisted force of the line of the Army, together with such native force, shall not exceed at any one time one hundred thousand.—*Sec. 36, act of Feb. 2, 1901 (31 Stat., 757).*

381. Majors of; rank, pay, and allowances.—The majors to command the squadrons and battalions shall be selected by the President from captains of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of the grade of major.—*Ibid.*

382. Captains of; rank, pay, and allowances.—The captains of the troops or companies shall be selected by the President from the first lieutenants of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of captain of the arm to which assigned.—*Ibid.*

383. Lieutenants of; provisional appointments, pay, and allowances.—When, in the opinion of the President, natives of the Philippine Islands shall, by their services and character, show fitness for command, the President is authorized to make provisional appointments to the grades of second and first lieutenants from such natives, who, when so appointed, shall have the pay and allowances to be fixed by the Secretary of War, not exceeding those of corresponding grades of the Regular Army.—*Ibid.*

384. Provisional officers and enlisted men; pay and allowances.—The pay and allowances of provisional officers of native organizations shall be those authorized for officers of like grades in the Regular Army. The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed

by the Secretary of War, and shall not exceed those authorized for the Regular Army.—*Ibid.*

385. Office of captain created, provisional appointments, etc.—The office of captain in the Philippine Scouts is hereby created as a grade of rank in the military establishment. Such captains shall be selected from officers of the grade of first lieutenants in said scouts, and shall be given provisional appointments for periods of four years each, and no such appointment shall be continued for a second or subsequent period unless the officers' conduct shall have been satisfactory in every respect: *Provided*, That the number of officers provisionally appointed under the terms of this act shall not at any time exceed the number of companies of said native troops which may be formed by the President from time to time for service in the Philippine Islands.—*Act of May 16, 1908 (35 Stat., 163).*

RETIREMENT OF.

386. Captains and lieutenants who are citizens of the United States, pay, etc.—Captains and lieutenants of Philippine Scouts who are citizens of the United States shall hereafter be entitled to retirement under the laws governing the retirement of enlisted men of the Regular Army, except that they shall be retired in the grade held by them at the date of retirement, shall be entitled to retirement for disability under the same conditions as officers of the Regular Army, and that they shall receive, as retired pay, the amounts allowed by law, as retired pay and allowances, of master signal electricians of the United States Army, and no more.—*Sec. 26, act of June 3, 1916 (39 Stat., 185).*

387. Double time not allowed, except.—Double time for service beyond the continental limits of the United States shall not be counted for the purposes of this section so as to reduce the actual period of service below twenty years.—*Ibid.*

388. Former officers may be retired.—Former officers of the Philippine Scouts who, because of disability occasioned by wounds received in action, have resigned or been discharged from the service, or who have heretofore served as such for a period of more than five years and have been retired as enlisted men, shall be placed upon the retired list as officers of Philippine Scouts and thereafter receive the retired pay and allowances provided by this section for other officers of Philippine Scouts.—*Ibid.*

389. Transfer of retired enlisted men formerly officers of Philippine Scouts.—That any former officer of Philippine Scouts who vacated his office in the Philippine Scouts by discharge or resignation on account of disability contracted in the line of duty and who was subsequently retired as an enlisted man, except any former officer of Philippine Scouts who has been retired as an enlisted man by special act of Congress, shall be transferred to the retired list created by this section, and shall thereafter receive the retired pay and allowances authorized by this section, and no more. Officers of Philippine Scouts retired under the provisions of this section shall not form part of the limited retired list now authorized by law.—*Ibid.*

PORTO RICO REGIMENT OF INFANTRY.

390. Composition of; promotions below colonel to be regimental.—The Porto Rico Regiment of Infantry of the United States Army shall hereafter have 49392*

the same organization, and the same grades and numbers of commissioned officers and enlisted men, as are by this act or shall hereafter be prescribed by law for other regiments of Infantry of the Army. All vacancies created by this act or occurring hereafter in commissioned officers of said regiment above the grade of second lieutenant and below the grade of colonel shall, except as hereinafter provided to the contrary, be filled by promotion according to seniority in the several grades and within the regiment, subject to the examination prescribed by section three of the act of Congress approved October first, eighteen hundred and ninety, and said section is hereby extended so as to apply in the cases of all officers below the grade of lieutenant colonel, who shall hereafter be examined for promotion in the Porto Rico Regiment of Infantry, except that the President may prescribe such a system of examination for the promotion of officers of said regiment as he may deem advisable.—*Sec. 21, act of June 3, 1916 (39 Stat., 181).*

391. Colonel to be detailed from Infantry; appointments to regiment vacancies.—The colonel of said regiment shall be detailed by the President, from among officers of Infantry of the Army not below the grade of lieutenant colonel, for a period of four years unless sooner relieved. Vacancies created by this act in the grades of lieutenant colonel and major in said regiment shall be filled by appointments from the senior captains in regimental rank of the Porto Rico regiment mentioned in the act of March fourth, nineteen hundred and fifteen; and captains and lieutenants of said regiment shall also be eligible for such detached service, transfer, or assignment to duty with other organizations as may be approved by the Secretary of War; but vacancies created by such detachment of officers shall not be filled by promotions or appointments.—*Ibid.*

392. Enlistment of natives, pay, and allowances of.—All men hereafter enlisting in said regiment shall be natives of Porto Rico. All enlistments in the regiment shall hereafter be the same as is provided herein for the Regular Army, and the regiment, or any part thereof, may be ordered for service outside the island of Porto Rico. The pay and allowances of members of said regiment shall be the same as provided by law for officers and enlisted men of like grades in the Regular Army.—*Ibid.*

393. Appointments to the grade of second lieutenant.—Vacancies created by this act of occurring hereafter in the grade of second lieutenant in said regiment shall be filled during any calendar year by the appointment by the President, by and with the advice and consent of the Senate, of any native of Porto Rico graduated from the United States Military Academy, and, after such appointment shall have been made or provided for, by like appointment of native citizens of Porto Rico between twenty-one and twenty-seven years of age.—*Ibid.*

394. Status of officers in Provisional Regiment.—Officers of the Porto Rico Regiment of Infantry, United States Army, who held commissions in the Porto Rico Provisional Regiment of Infantry on June thirtieth, nineteen hundred and eight, shall now and hereafter take rank in their grades in the same relative order held by them in said Porto Rico Provisional Regiment of Infantry on June thirtieth, nineteen hundred and eight, subject to any loss in rank due to failure to pass examinations for promotion or to sentence of court-martial.—*Ibid.*

RATIONS—ISSUE OF.

395. Quantity and kind to be prescribed by the President.—That the President be, and he is hereby, authorized to prescribe the kinds and quantities of the component articles of the Army ration, and to direct the issue of substitutive equivalent articles in place of any such components whenever, in his opinion, economy and a due regard to the health and comfort of the troops may so require.—*Act of Feb. 2 1901 (31 Stat., 758).*

396. Line and medical officers to unite in superintending the cooking.—The officers of the Medical Department of the Army shall unite with the officers of the line (under such rules and regulations as shall be prescribed by the Secretary of War) in superintending the cooking done by the enlisted men; and the Surgeon General shall promulgate to the officers of said corps such regulations and instructions as may tend to insure the proper preparation of the ration of the soldier.—*Sec. 1174, R. S.*

397. Line officers to superintend the cooking.—The line officers of the Army shall superintend the cooking done for the enlisted men.—*Sec. 1234, R. S.*

398. Alcoholic liquors not to be supplied or sold to enlisted men.—That no alcoholic liquors, beer, or wine, shall be sold or supplied to the enlisted men in any canteen, or post trader's store, or in any room or building at any garrison or military post, in any State or Territory in which the sale of alcoholic liquors, beer, or wine is prohibited by law.—*Act of June 13, 1890 (26 Stat., 154).*

399. Same—Sale of to officers and men prohibited.—That the President of the United States, as Commander in Chief of the Army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time to time deem necessary or advisable: *Provided*, That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. It shall be unlawful to sell any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, except as herein provided. Any person, corporation, partnership or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than \$1,000 or imprisonment for not more than twelve months, or both.—*Sec. 12, act of May 18, 1917 (40 Stat., 82).*

400. Secretary of War may commute ration of coffee and sugar to extract of coffee.—The Secretary of War may commute the ration of coffee and sugar for the extract of coffee combined with milk and sugar, if he shall believe such commutation to be conducive to the health and comfort of the Army, and not to be more expensive to the Government than the present ration; provided the same shall be acceptable to the men.—*Sec. 1147, R. S.*

401. Emergency ration.—Hereafter the emergency ration prescribed for use on emergent occasions shall, when issued, be furnished in addition to the regu-

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lar ration under such regulations as may be prescribed by the Secretary of War.—*Act of Mar. 2, 1907 (34 Stat., 1165).*

402. Sugar and coffee, when issued in kind, to be issued weekly.—The ration of sugar and coffee when issued in kind, shall, when the convenience of the service permits, be issued weekly.—*Sec. 1148, R. S.*

403. To Indians on the frontiers.—The President is authorized to cause such rations as he deems proper, and as can be spared from the Army provisions without injury to the service, to be issued under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations, and a special account of these issues shall be kept and rendered.—*Sec. 2110, R. S.*

404. One ration daily to enlisted men.—Hereafter no enlisted man shall be entitled to receive more than one ration daily.—*Act of July 16, 1892 (27 Stat., 178).*

405. Liquid coffee money.—For each ration of sugar and coffee not issued nor commuted for the extract of coffee combined with milk and sugar, enlisted men shall be paid in money.—*Sec. 1294, R. S.*

RATIONS—COMMUTATION OF.

406. Sick in hospitals.—For payment of the regulation allowances of commutation in lieu of rations for * * * enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense and general prisoners sick therein to be paid to the surgeon in charge.—*See annual appropriation acts.*

407. Hospitals, Canal Zone.—The subsistence of the said patients (officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority), except commissioned officers * * * shall be paid to said hospitals (Canal Zone) out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations to enlisted patients in general hospitals.—*Act of Mar. 4, 1915 (38 Stat., 1080).*

NOTE.—For similar provisions see act of Mar. 4, 1915 (38 Stat., 1144), and act of Mar. 29, 1916 (39 Stat., 640).

VOLUNTEERS.

408. Use of retired officers, noncommissioned officers and enlisted men, rank, pay, etc.—In the organization of a recruiting system, after Congress shall have authorized the raising of volunteer forces, the President is authorized to employ retired officers, noncommissioned officers, and privates of the Regular Army, either with their rank on the retired list or, in the case of enlisted men, with increased noncommissioned rank; or he may, by and with the advice and consent of the Senate, appoint and employ retired officers below the grade of colonel, with increased volunteer commissioned rank not to exceed in the case of any officer one grade above that held by him upon the retired list, or retired enlisted men with volunteer commissioned rank not above the grade of first lieutenant: *Provided*, That retired officers and enlisted men while thus employed * * * shall receive the full pay and allowances of the respective grades in which they

are serving, whether volunteer or regular, in lieu of their retired pay and allowances: *Provided further*, That upon the termination of the duty or, in case of those given volunteer rank, upon muster out as volunteers, said retired officers and enlisted men shall revert to their retired status.—*Sec. 11, act of Apr. 25, 1914 (38 Stat., 350)*.

409. Pay, etc., to correspond with Army.—All officers and enlisted men of the volunteer forces shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades in the Regular Army.—*Sec. 13, ibid.*

WITNESSES.

410. Expenses of.—When any clerk or other officer of the United States is sent away from his place of business as a witness for the Government, his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid; but no mileage, or other compensation in addition to his salary, shall in any case be allowed.—*Sec. 850, R. S.*

COMMISSIONED OFFICERS.

411. Annual pay of.—Hereafter the annual pay of officers of the Army of the several grades herein mentioned shall be as follows: Major general, eight thousand dollars; brigadier general, six thousand dollars; colonel, four thousand dollars; lieutenant colonel, three thousand five hundred dollars; major, three thousand dollars; captain, two thousand four hundred dollars; first lieutenant, two thousand dollars; second lieutenant, one thousand seven hundred dollars.—*Act of May 11, 1908 (35 Stat., 108)*.

412. To be paid monthly.—The sums hereinbefore allowed shall be paid in monthly payments by the paymaster.—*Sec. 1268, R. S.*

413. Pay of officer holding command higher than his grade.—In time of war every officer serving with troops operating against an enemy who shall exercise, under assignment in orders issued by competent authority, a command above that pertaining to his grade shall be entitled to receive the pay and allowances of the grade appropriate to the command so exercised: *Provided*, That a rate of pay exceeding that of a brigadier general shall not be paid in any case by reason of such assignment.—*Act of Apr. 26, 1898 (30 Stat., 365)*.

414. Pay for mounts.—Hereafter the United States shall furnish mounts and horse equipments for all officers of the Army below the grade of major required to be mounted, but in case any officer below the grade of major required to be mounted provides himself with suitable mounts at his own expense, he shall receive an addition to his pay of one hundred and fifty dollars per annum if he provides one mount, and two hundred dollars per annum if he provides two mounts.—*Act of May 11, 1908 (35 Stat., 108)*.

415. National Army.—That all officers * * * of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as officers * * * of corresponding grades and length of service in the Regular Army.—*Sec. 10, Act of May 18, 1917 (40 Stat., 82)*.

416. Temporary forces, Signal Corps; pay and allowances.—That all officers * * * of the temporary forces of the Signal Corps, including the aviation section thereof provided for herein, shall be in all respects on the same footing as to pay, allowances, and pensions as permanent, officers * * * of corresponding grades and length of service in the Regular Army.—*Sec. 8, Act of July 24, 1917 (40 Stat., 245).*

417. Authority to transfer or assign pay accounts.—Hereafter all commissioned officers of the Army may transfer or assign their pay accounts, when due and payable, under such regulations and restrictions as the Secretary of War may prescribe.—*Act of Mar. 2, 1907 (34 Stat., 1159).*

418. Checks to indorsee on pay accounts permitted.—Hereafter section thirty-six hundred and twenty, Revised Statutes, as amended by the act of Congress approved February twenty-seventh, eighteen hundred and seventy-seven, shall not be construed as precluding officers of the Quartermaster Corps from drawing checks in favor of the person or institution designated by indorsement made on his monthly pay account by any officer of the Army if the pay account has been deposited for payment on maturity in conformity with such regulations as the Secretary of War may prescribe: *Provided further*, That payment by the United States of a check on the indorsement of the indorsee specified on the pay account shall be a full acquittance for the amount due on the pay account.—*Act Mar. 2, 1913 (37 Stat., 710).*

419. Acting as disbursing officers, etc., no additional pay allowed.—No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriations therefor explicitly state that it is for such additional pay, extra allowance, or compensation.—*Sec. 1765, R. S.*

420. Office of general abolished.—When a vacancy shall occur in the office of general * * * such office shall cease and all enactments creating or regulating such office shall * * * be held to be repealed.—*Sec. 1217, R. S.*

421. Grades of general and lieutenant general revived.—That section eight of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen, shall be held and construed to authorize the President, in accordance with the provisions of said act and for the period of the existing emergency only, to appoint as generals the Chief of Staff and the commander of the United States forces in France; and as lieutenant general each commander of an Army or Army corps organized as authorized by existing law.—*Act of Oct. 6, 1917 (40 Stat., 410).*

422. Office of lieutenant general abolished.—When the office of lieutenant general shall become vacant it shall not thereafter be filled, but said office shall cease and determine.—*Act of Mar. 2, 1907 (34 Stat., 1160).*

423. Same—Pay of.—That the pay of the grades of general and lieutenant general shall be ten thousand dollars and nine thousand dollars a year, respectively, with allowances appropriate to said grades as determined by the Secretary of War.—*Ibid.*

424. Chief of Staff Corps, department, or bureau.—Hereafter the chief of any existing staff corps, department, or bureau, except as is otherwise provided for the Chief of Staff, shall have the rank, pay, and allowances of a major general.—*Ibid.*

425. Brevets not to carry increase of pay.—Brevets conferred upon commissioned officers shall not entitle them to any increase of pay.—*Sec. 1264, R. S.*

426. Forfeiture of pay, three months absence without leave.—Every officer who is dropped by the President from the rolls of the Army, for absence from duty three months without leave, shall forfeit all pay due or to become due.—*Sec. 1266, R. S.*

427. Appropriations for "pay of the Army" not available for salary of officers not citizens of the United States.—No part of the appropriations made in this act shall be available for the salary or pay of any person hereafter, in time of peace, appointed as officer of the Army who is not a citizen of the United States.—*Act of Aug. 29, 1916 (39 Stat., 649).*

ABSENCE FROM DUTY.

428. Disease resulting from own misconduct.—Hereafter no officer or enlisted man in active service who shall be absent from duty on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct shall receive pay for the period of such absence, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War.—*Act of Apr. 27, 1914 (38 Stat., 353). (See also annual appropriation acts.)*

AIDS.

429. Number, etc., allowed major and brigadier generals.—Each major general shall have three aids, who may be selected by him from captains or lieutenants of the Army, and each brigadier general shall have two aids, who may be selected by him from lieutenants of the Army.—*Sec. 1098, R. S.*

430. Additional pay, aids to major and brigadier generals.—An aid to a major general is allowed two hundred dollars per year in addition to the pay of his rank, and an aid to a brigadier general is allowed one hundred and fifty dollars per year in addition to the pay of his rank.—*Sec. 1261, R. S.*

ALLOTMENTS OF PAY.

431. Authority for making.—The Secretary of War is hereby authorized to permit, under such regulations as he may prescribe, any officer * * * on the active list of the Army, any retired officer * * * of the Army on active duty * * * to make allotments of his pay for the support of his wife, children, or dependent relatives, or for such other purposes as the Secretary of War may deem proper.—*Act of Oct. 6, 1917 (40 Stat., 385).*

432. Credit to disbursing officers for payment of.—All allotments of pay of officers * * * that have been or shall be paid to designated allottees previous to the receipt by disbursing officer of notice of discontinuance of the same from the officer required by regulations to furnish such notice shall pass to the credit of the disbursing officer who has made or shall make such payments.—*Ibid.*

433. Erroneous payments to be collected from responsible officer.—If erroneous payment is made because of the failure of an officer to report, in the manner prescribed by the Secretary of War, the death of the grantor, or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Quartermaster General from the officer who fails to make such report, if such collection is practicable.—*Ibid.*

CHAPLAINS.

434. Appointment of, etc.—The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in service, one for each regiment of Cavalry, Infantry, Field Artillery, and Engineers, and one for each one thousand two hundred officers and men of the Coast Artillery Corps, with rank, pay, and allowances as now authorized by law.—*Sec. 15, act of June 3, 1916 (39 Stat., 176).*

435. Same.—The President may appoint for service during the present emergency not exceeding twenty chaplains at large for the United States Army representing religious sects not recognized in the apportionment of chaplains now recognized by law: *Provided*, That no person shall be eligible to such appointment unless he be at the time of his appointment a citizen of the United States.—*Act of Oct. 6, 1917 (40 Stat., 394).*

436. Pay, etc., for first seven years' service.—All persons who may hereafter be appointed as chaplains shall have the grade, pay, and allowances of first lieutenant, mounted, until they shall have completed seven years of service.—*Act of Apr. 21, 1904 (33 Stat., 226).*

437. Promotion of, with rank, pay and allowances of major.—Hereafter the President may, from time to time, select from among the chaplains of the Army any chaplains having not less than ten years' service, in the grade of captain, who shall have been commended as worthy of special distinction for exceptional efficiency by the regimental or district commanders with whose commands they may be serving as chaplains, approved through regular military channels, and may, with the advice and consent of the Senate, promote such regimental or artillery chaplains to be chaplains with the grade, pay, and allowances of major; every such promotion being made with a view to active service until the statutory age for the compulsory relinquishment thereof, except in cases of physical disability incurred in the line of duty: *Provided*, That the total number in active service so promoted shall not at any time exceed fifteen, and that the remaining chaplains shall have the grade, pay, and allowances of captain, mounted, after they shall have completed seven years of service.—*Ibid.*

438. Chaplains of Field and Coast Artillery; authority for appointment of, pay, etc.—In addition to the chaplains now authorized for the Artillery Corps the President is authorized to appoint, by and with the advice and consent of the Senate, and subject to the laws governing appointment of chaplains in the Army, one chaplain for each regiment of Field Artillery and two for the Coast Artillery, with the rank, pay, and allowances now authorized by law for chaplains in the Army.—*Act of Jan. 25, 1907 (34 Stat., 864).*

439. Service in the field, to be furnished means of transportation.—When serving in the field, chaplains shall be furnished with necessary means of transportation by the Quartermaster's Department.—*Sec. 12, Act of Feb. 2, 1901 (31 Stat., 750).*

COMMUTATION OF ALLOWANCES.

440. Of forage; when.—When forage in kind can not be furnished by the proper departments, then and in all such cases officers entitled to forage may commute the same according to existing regulations.—*Sec. 1270, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 243).*

441. Of fuel.—Allowance of or commutation for fuel to commissioned officers is hereby prohibited.—*Sec. 8, act of June 18, 1878 (20 Stat., 150).*

442. Of quarters, etc., where no public quarters are available.—Hereafter, at places where there are no public quarters available, commutation for the authorized allowance therefor shall be paid to commissioned officers * * * at the rate of \$12 per room per month.—*Act of Mar. 4, 1915 (38 Stat., 1069).*

443. Same; no claim for quarters for servants.—No allowance shall be made for claims for quarters for servants heretofore or hereafter.—*Act of June 23, 1879 (21 Stat., 31).*

444. Same; not to lose right to on account of temporary absence.—Hereafter officers temporarily absent on duty in the field shall not lose their right to quarters, or commutation thereof, at their permanent station while so temporarily absent.—*Act of Feb. 27, 1893 (27 Stat., 480).*

445. Same; duty without troops.—The Secretary of War may determine what shall constitute travel and duty without troops within the meaning of the law governing * * * commutation of quarters to officers of the Army.—*Act of Mar. 2, 1901 (31 Stat., 901).*

446. Same; officers detailed to obtain military information from abroad.—Hereafter the officers detailed to obtain military information from abroad shall be entitled to * * * commutation of quarters while on duty, as provided when on other duty.—*Act of Feb. 27, 1893 (27 Stat., 480).*

447. Same; at proving grounds.—For necessary expenses of officers not occupying public quarters at the proving grounds, while employed on ordinary duty thereat, at the rate of two dollars and fifty cents per diem while so employed, * * * *Provided*, That hereafter the occupancy by such officers, providing themselves with quarters elsewhere, of one room in the building at the proving ground locally known as the brick house shall not be construed as occupancy of public quarters within the meaning of this act and of the law authorizing allowance and commutation of quarters.—*Act of Mar. 3, 1915 (38 Stat., 889).*

448. Same; Signal Service, Arctic regions.—The allowance for commutation of quarters * * * shall be, * * * for officers * * * of the Signal Service serving in the Arctic regions, the same in amount as though they were serving in Washington, District of Columbia.—*Act of June 30, 1882 (22 Stat., 118).*

449. Of quarters and of heat and light.—For commutation of quarters and of heat and light to commissioned officers * * * on duty at places where no public quarters are available.—*See annual appropriation acts.*

DEATH IN THE SERVICE.

450. Allowances for; interment expenses; beneficiaries to be designated.—Hereafter immediately upon official notification of the death from wounds or disease not the result of his own misconduct of any officer or enlisted man on the active list of the Army, the Paymaster General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man. From the amount thus reserved the Quartermaster's Department shall be reimbursed for expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army.—*Act of May 11, 1908 (35 Stat., 108) as amended by act of Mar. 3, 1909 (35 Stat., 735).*

NOTE.—The above paragraph is repealed by sec. 312, act of Oct. 6, 1917 (40 Stat., 408), to wit: "The laws providing for gratuities or payments in the event of death in the service * * * shall not be applicable after the enactment of this amendment to persons now or hereafter entering the military or naval service, or to their widows, children, or their dependents, except in so far as rights under any such law shall have heretofore accrued."

451. Effects of deceased officers and soldiers.—Officers charged with the care of the effects of deceased officers or soldiers, shall account for and deliver the same, or the proceeds thereof, to the legal representatives of such deceased officers or soldiers. And no officer so charged shall be permitted to quit the regiment or post until he has deposited in the hands of the commanding officer all the effects of such deceased officers or soldiers not so accounted for and delivered.—*One-hundred and twenty-seventh Article of War.*

452. Aviation duty, payment in case of death as result of accident.—There shall be paid to the widow of any officer or enlisted man who shall die as the result of an aviation accident, not the result of his own misconduct, or to any other person designated by him in writing, an amount equal to one year's pay at the rate to which such officer or enlisted man was entitled at the time of the accident resulting in his death, but any payment made in accordance with the terms of this proviso on account of the death of any officer or enlisted man shall be in lieu of and a bar to any payment under the acts of Congress approved May eleventh, nineteen hundred and eight, and March third, nineteen hundred and nine (Thirty-fifth Statutes, pages one hundred and eight and seven hundred and fifty-five), on account of death of said officer or enlisted man.—*Act of July 18, 1914 (38 Stat., 516).*

NOTE.—The above paragraph repealed by sec. 312, act of Oct. 6, 1917 (40 Stat., 408). See footnote, par. 450, this compilation.

DENTAL CORPS.

453. Composition of; pay and allowances; number authorized.—Hereafter the Dental Corps of the Army shall consist of commissioned officers of the same

grade and proportionally distributed among such grades as are now or may be hereafter provided by law for the Medical Corps, who shall have the rank, pay, promotion, and allowances of officers of corresponding grades in the Medical Corps, including the right to retirement as in the case of other officers, and there shall be one dental officer for every thousand of the total strength of the Regular Army authorized from time to time by law.—*Act of Oct. 6, 1917 (40 Stat., 397).*

454. Dental surgeons to be recommissioned, etc.—That dental examining and review boards shall consist of one officer of the Medical Corps and two officers of the Dental Corps: *Provided further*, That immediately following the approval of this act all dental surgeons then in active service shall be recommissioned in the Dental Corps in the grades herein authorized in the order of their seniority and without loss of pay or allowances or of relative rank in the Army: *And provided further*, That no dental surgeon shall be recommissioned who has not been confirmed by the Senate.—*Ibid.*

DETACHED DUTY.

455. Service with troops, line officers below grade of major.—On and after December fifteenth, nineteen hundred and twelve, in time of peace, whenever any officer holding a permanent commission in the line of the Army with rank below that of major shall not have been actually present for duty for at least two of the last preceding six years with a troop, battery, or company of that branch of the Army in which he shall hold said commission, such officer shall not be detached nor permitted to remain detached from such troop, battery, or company for duty of any kind; and all pay and allowances shall be forfeited by any superior for any period during which, by his order, or his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any officer shall be detached or permitted to remain detached in violation of any of the terms of this proviso; but nothing in this proviso shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join the troop, battery, or company, to which he shall belong, in that branch in which he shall hold a permanent commission, nor shall anything in this proviso be held to apply to the detachment or detail of officers for duty in the Judge Advocate General's Department or in the Ordnance Department, or in connection with the construction of the Panama Canal until after such canal shall have been formally opened, or in the Philippine Constabulary until the first day of January, nineteen hundred and fourteen, or to any officer detailed, or who may be hereafter detailed, for aviation duty. And hereafter no officer holding a permanent commission in the Army with rank below that of major shall be detailed as assistant to the Chief of the Bureau of Insular Affairs with rank of colonel, or as commanding officer of the Porto Rico Regiment of Infantry, or as chief or assistant chief (director or assistant director) of the Philippine Constabulary, and no other officers of the Army shall hereafter be detailed for duty with the said constabulary except as specifically provided by law.—*Act of Aug. 24, 1912 (37 Stat., 571, 645).*

456. Service with troops, extended to include field officers of the line.—After September first, nineteen hundred and fourteen, in time of peace, whenever any officer holding a permanent commission in the line of the Army, with rank of colonel, lieutenant colonel, or major, shall not have been actually present for duty for at least two years of the last preceding six years with a command com-

posed of not less than two troops, batteries, or companies of that branch of the Army in which he shall hold said commission, such officer shall not be detached nor permitted to remain detached from such command for duty of any kind except as hereinafter specifically provided; and all pay and allowances shall be forfeited by any superior for any period during which, by his order, or his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any officer shall be detached or permitted to remain detached in violation of any of the terms of this act; but nothing in this act shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join the organization or command to which he shall belong in that branch in which he shall hold a permanent commission; nor shall anything in this act be held to apply to the detachment or detail of officers for duty in connection with the construction of the Panama Canal until after such canal shall have been formally opened, or in connection with the Alaska Road Commission or the Alaska Railroad or the Bureau of Insular Affairs; and nothing in this act shall prevent the redetail of officers above the grade of major to fill vacancies in the various staff corps and departments as provided for by section twenty-six of the act of Congress approved February second, nineteen hundred and one: *Provided further*, That whenever the service record of any field officer is to be ascertained for the purposes of this act, all duty actually performed by him during the last preceding six years, in a grade below that of major, in connection with any statutory organization of that branch of the Army in which he shall hold a permanent commission, or as a staff officer of any coast-defense or coast-artillery district, shall be credited to him as actual presence for duty with a command composed as hereinbefore described: *And provided further*, That temporary duty of any kind hereafter performed with United States troops in the field for a period or periods the aggregate of which shall not exceed sixty days in any one calendar year, and duty hereafter performed in command of United States Army mine planter by an officer assigned to a company from which this detachment is drawn, and duty hereafter performed in command of a machine-gun platoon or a machine-gun unit, by any officer who, before assignment to such duty, shall have been regularly assigned to, and shall have entered upon duty with, an organization or a command the detachment of certain officers from which is prohibited by the act of Congress approved August twenty-fourth, nineteen hundred and twelve, or by this act, shall, for the purposes of said acts, hereafter be counted as actual presence for duty with such organization or command.—*Act of Apr. 27, 1914 (38 Stat., 357)*.

DETACHED OFFICERS' LIST.

457. Officers detached for duty.—Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed one officer for each regiment and separate battalion of Infantry, or its equivalent of other troops: *Provided*, That the line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section twenty-seven of the act approved February second, nineteen hundred and one, with reference to details to the staff corps, but the total number of detached officers hereby made subject to these provisions shall not exceed two hundred: *And provided further*, That the number of such officers detached from

each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. * * * The President is authorized to make rules and regulations to carry these provisions into effect: *Provided*, That the Quartermaster's Department is hereby increased by two colonels, three lieutenant colonels, seven majors, and eighteen captains, the vacancies thus created to be filled by promotion and detail in accordance with section twenty-six of the act approved February second, nineteen hundred and one.—*Act of Mar. 3, 1911 (36 Stat., 1045)*.

458. Organization and composition of.—On July first, nineteen hundred and sixteen, the line of the Army shall be increased by eight hundred and twenty-two extra officers of the Cavalry, Field Artillery, Coast Artillery Corps, and Infantry arms of the service, of grades from first lieutenant to colonel, inclusive, lawfully available for detachment from their proper arms for duty with the National Guard, or other duty, the usual period of which exceeds one year. Said extra officers, together with the two hundred detached officers provided for by the act of Congress approved March third, nineteen hundred and eleven, shall, on and after July first, nineteen hundred and sixteen, constitute the detached officers' list, and all positions vacated by officers assigned to said list, and the officers so assigned shall be subject to the provisions of section twenty-seven of the act of Congress approved February second, nineteen hundred and one, with reference to details to the staff corps. The total number of officers hereby authorized for each grade on said list entire shall be in proportion to the total number of officers of the corresponding grade now authorized by law other than this act for all of the said four arms combined, exclusive of second lieutenants and of the two hundred extra officers authorized by the act of Congress approved March third, nineteen hundred and eleven, and exclusive also of the additional officers authorized by the act to restore lineal rank lost through the system of regimental promotion formerly in force; and the total number of officers hereby authorized for each grade in each of said arms on said list shall be in the proportion borne by the number of officers now authorized by law other than this act for such grade and arm to the total number of officers now authorized by law other than this act for the corresponding grade in all of the said four arms combined, exclusive of the extra and additional officers last hereinbefore specified and excluded. * * * As soon as practicable after such promotions shall have been made there shall be detached from each arm and assigned to the detached officers' list a number of officers of each grade equal to the number of officers of said grade by which said arm shall have been increased by the foregoing provisions of this section; and thereafter any vacancy created or caused in any of the said arms of the service by the assignment of an officer of any grade to said detached officers' list shall be filled, subject to such examination as is now or may hereafter be prescribed by law, by the promotion of the officer who shall be the senior in length of commissioned service of those eligible to promotion in the next lower grade in the arm in which such vacancy shall occur, * * * with a view further to equalize inequalities in past promotions of officers of the line of the Army, on July first, nineteen hundred and sixteen, the Cavalry shall be increased by seventeen colonels, and the Infantry by four colonels, all of whom shall be additional officers in that grade, and shall not bar nor retard the promotion to which any officer would be entitled if the appointment of the said additional officers had never been authorized; and after July first, nineteen hundred and

nineteen, no vacancies occurring among the said additional officers shall be filled and the offices so vacated shall cease and determine.—*Sec. 25, act of June 3, 1916 (39 Stat., 183).*

459. Duty with troops required.—No officer of any of said arms of the service shall be permitted to remain on said detached officers' list for more than forty-five days unless he shall have been actually present for duty for at least two years out of the last preceeding six years with an organization composed of one or more statutory units, or the equivalent thereof, of the arm to which he shall belong. Any vacancy created in said list by the removal of any officer therefrom because he shall not have been present for duty as before prescribed in this proviso shall be filled by the transfer to said list of an officer having the same grade and belonging to the same arm as the officer whose removal from said list shall have created said vacancy; but, except as before prescribed in this proviso, all officers who shall have been assigned to said list shall remain thereon for not less than four years from the respective dates of their assignment thereto, unless in the meantime they shall have been separated entirely from the Army, or shall have been promoted or appointed to higher offices, or shall have been retired from active service.—*Ibid.*

DETAILS.

460. Principal assistant, Ordnance Bureau; rank, pay, and allowances.—The principal assistant in the Ordnance Bureau shall receive a compensation, including pay and emoluments, not exceeding that of a major of ordnance.—*Sec. 1279, R. S.*

461. Officer in charge of public buildings and grounds; rank, pay, and allowances.—The officer in charge of public buildings and grounds shall have the rank, pay, and emoluments of a colonel.—*Act of Mar. 3, 1873 (17 Stat., 535).*

462. Acting judge advocates; rank, pay, and allowances.—Acting judge advocates provided for herein shall be detailed from officers of the grades of captain or first lieutenant of the line of the Army, who, while so serving, shall continue to hold their commissions in the arm of the service to which they permanently belong.—*Sec. 15, Act of Feb. 2, 1901 (31 Stat., 751).*

463. Chief ordnance officer, to staff of an Army or corps and division commanders.—A chief ordnance officer may be assigned to the staff of an Army or a corps commander, and while so assigned shall have the rank, pay, and allowances of a lieutenant colonel. A chief ordnance officer may be assigned to the staff of a division commander, and while so assigned shall have the rank, pay, and allowance of a major.—*Act of July 7, 1898 (30 Stat., 720).*

464. Chief of staff corps or departments.—When vacancies shall occur in the position of chief of any staff corps or department, the President may appoint to such vacancies, by and with the advice and consent of the Senate, officers of the Army at large not below the rank of lieutenant colonel, and who shall hold office for terms of four years. When a vacancy in the position of chief of any staff corps or department is filled by the appointment of an officer below the rank now provided by law for said office, said chief shall, while so serving, have the same rank, pay, and allowances now provided for the chief of such corps or department.—*Sec. 26, act of Feb. 2, 1901 (31 Stat., 755).*

465. Period of staff service.—No officer hereafter detailed or appointed under the provisions of section twenty-six of the act of February second, nineteen hundred and one, who has less than four years to serve from the date of his detail or appointment to the date of his retirement shall serve under such detail or appointment or be paid as if on the active list beyond the date of his retirement.—*Act of June 30, 1902 (32 Stat., 509).*

466. Philippine Constabulary.—Officers of the Army of the United States may be detailed for service as chief and assistant chiefs, the said assistant chiefs not to exceed in number four, of the Philippine Constabulary, and that during the continuance of such details the officer serving as chief shall have the rank, pay, and allowances of brigadier general, and the officers serving as assistant chiefs shall have the rank, pay, and allowances of colonel: *Provided*, That the difference between the pay and allowances of brigadier general and colonel as herein provided, and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury.—*Act of Jan. 30, 1903 (32 Stat., 783), modified by par. 455.*

467. Chief of telegraph and cipher bureau Executive Office.—The President be and is hereby authorized to appoint by and with the advice and consent of the Senate an officer of the Signal Corps as chief of the telegraph and cipher bureau of the Executive Office, who shall have, while so serving, the rank, pay, and allowances of a major.—*Act of Mar. 2, 1903 (32 Stat., 932).*

468. First lieutenant, Ordnance Department.—Hereafter details for service to the grade of first lieutenant in the Ordnance Department under the provisions of the act of February second, nineteen hundred and one, may be made, from the Army at large, from the grade of first or second lieutenant, and officers so detailed shall, while so serving, receive the pay of first lieutenant.—*Act of Mar. 2, 1903 (32 Stat., 942).*

469. Chief of the Bureau of Insular Affairs.—The Chief of the Bureau of Insular Affairs of the War Department shall hereafter be appointed by the President for the period of four years, unless sooner relieved, with the advice and consent of the Senate, and while holding that office he shall have the rank, pay, and allowances of a brigadier general.—*Act of June 25, 1906 (34 Stat., 456).*

470. Principal assistant to Chief of Bureau of Insular Affairs.—The Secretary of War is hereby authorized to detail an officer of the Army whom he may consider especially well qualified to act as principal assistant to the Chief of the Bureau of Insular Affairs of the War Department, and said principal assistant, while acting under said detail, shall have the rank, pay, and allowances of a major.—*Act of Mar. 2, 1907 (34 Stat., 1162).*

471. Assistant to Chief of Bureau of Insular Affairs.—The Secretary of War is hereby authorized to detail one additional officer of the Army as assistant to the Chief of the Bureau of Insular Affairs, under the same provisions of law in regard to the vacancy in the line thus created and return to the line as govern in the case of the assistant authorized by the act of March second, nineteen hundred and seven; and the assistant herein authorized while serving in this capacity shall have the rank, pay, and allowances of a colonel; and both officers detailed in the Bureau of Insular Affairs shall hereafter be designated, while on this duty, as assistants to the Chief of the Bureau.—*Act of Mar. 23, 1910 (36 Stat., 248).*

472. Tour of duty; Philippine Islands and Panama Canal Zone.—On and after October first, nineteen hundred and fifteen, no officer or enlisted man of the Army shall, except upon his own request, be required to serve in a single tour of duty for more than two years in the Philippine Islands, nor more than three years in the Panama Canal Zone, except in case of insurrection or of actual or threatened hostilities: *Provided further*, That the foregoing provision shall not apply to the organization known as the Philippine Scouts.—*Act of Mar. 4, 1915 (38 Stat., 1078).*

473. Duty with the National Guard.—The Secretary of War shall detail officers of the active list of the Army to duty with the National Guard in each State, Territory, or District of Columbia, and officers so detailed may accept commissions in the National Guard, with the permission of the President, and terminable in his discretion, without vacating their commissions in the Regular Army or being prejudiced in their relative or lineal standing therein. The Secretary of War may, upon like application, detail one or more enlisted men of the Regular Army with each State, Territory, or District of Columbia for duty in connection with the National Guard. But nothing in this section shall be so construed as to prevent the detail of retired officers as now provided by law.—*Sec. 100, act of June 3, 1916 (39 Stat., 208).*

474. Chief of Coast Artillery; rank, pay, and allowances.—Hereafter the Chief of Coast Artillery shall have the rank, pay, and allowances of a major general.—*Act of July 6, 1916 (39 Stat., 349).*

475. Staff service with troop, etc., deemed line duty.—Hereafter, in determining the eligibility, under the provisions of the act of Congress approved August twenty-fourth, nineteen hundred and twelve, of troop, battery, or company officers for detail as officers of the various staff corps and departments of the Army, except the General Staff Corps, service actually performed by any such officer with troops prior to December fifteenth, nineteen hundred and twelve, as a regimental, battalion, or squadron staff officer, shall be deemed to have been duty with a battery, company, or troop.—*Act of Mar. 2, 1913 (37 Stat., 706).*

476. Performance of Quartermaster Corps duty by regimental, etc., staff officers.—Regimental, battalion, and squadron quartermasters and commissaries shall hereafter be required to perform the duties of officers of the Quartermaster Corps, including the receipting for any money or property pertaining to said corps, when no officer of the Quartermaster Corps is present for such duties, and nothing contained in the Army appropriation act approved August twenty-fourth, nineteen hundred and twelve, shall hereafter be held or construed so as to prevent competent authority from requiring any officers of the Army to act temporarily as quartermasters wherever there shall be no officers of the Quartermaster Corps and no regimental, battalion, or squadron quartermasters or commissaries present for such duty.—*Act of Mar. 2, 1913 (37 Stat., 706).*

477. Military details under Cuba and Panama.—The consent of Congress is hereby granted to the acceptance by officers of the Army, in the discretion of the President, of such military details under the Governments of Cuba and Panama as may be requested by the Presidents of these Republics: *Provided*, That such details shall not exceed five in number: *And provided further*, That no officer so detailed shall receive any present, emolument, office, or title of any kind whatever from the Government of Cuba or Panama.—*Act of Apr. 19, 1910 (36 Stat., 324).*

478. Military Academy.—The Secretary of War is hereby directed to detail a competent officer to act as quartermaster and commissary for the battalion of cadets, by whom all purchases and issues of supplies of all kinds for the cadets, and all provisions for the mess, shall be made, and that all supplies of all kinds and descriptions shall be furnished to the cadets at actual cost, without any commission or advance over said cost; and such officer so assigned shall perform all the duties of purveying and supervision for the mess as now done by the purveyor.—*Act of Aug. 7, 1876 (19 Stat., 126).*

479. War of 1917.—That all existing restrictions upon the detail, detachment, and employment of officers and enlisted men of the Regular Army are hereby suspended for the period of the present emergency.—*Sec. 11, act of May 18, 1917 (40 Stat., 82).*

DISCHARGE.

480. Failure to pass examination; all officers of the Army below the grade of major.—That the President be, and he is hereby, authorized to prescribe a system of examination of all officers of the Army below the rank of major to determine their fitness for promotion, such an examination to be conducted at such times anterior to the accruing of the right to promotion as may be best for the interests of the service: * * * Should the officer fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in line of duty he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should fail for any other reason he shall be suspended from promotion for one year, when he shall be reexamined, and in case of failure on such reexamination he shall be honorably discharged with one year's pay.—*Act of Oct. 1, 1890 (26 Stat., 562).*

481. Same—Officers of the Medical Corps, below the rank of lieutenant colonel.—Should any officer of the Medical Corps fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of three officers of the Medical Corps superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall, if a first lieutenant or captain, be honorably discharged from the service with one year's pay; and, if a major, shall be debarred from promotion and the officer next in rank found qualified shall be promoted to the vacancy. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted.—*Act of Apr. 23, 1908 (35 Stat., 67).*

482. Final payment on discharge.—Officers who at any time were accountable or responsible for public property shall be required, before final payment is made to them on discharge from the service, to obtain certificates of nonindebtedness to the United States from only such of the bureaus of the War Department to which the property for which they were accountable or responsible pertains, and the certificate from the Chief of the Division of Bookkeeping and Warrants, Treasury Department, and such certificates, accompanied by the affidavits of officers of nonaccountability or nonresponsibility to other bureaus of the War Department, certified to by the commanding officer of the regiment

or independent organization, shall warrant their final payment: *Provided*, That officers who have not been responsible at any time for public property shall be required to make affidavit of that fact, certified to by their commanding officers, which shall be accepted as sufficient evidence to warrant their final payment on their discharge from the service.—*Sec. 2, act of Jan. 12, 1899 (30 Stat., 784)*.

483. War of 1917.—The appointments authorized and made as provided by the second, third, fourth, fifth, sixth, and seventh paragraphs of section one and by section eight of this act, and the temporary appointments in the Regular Army authorized by the first paragraph of section one of this act, shall be for the period of the emergency, unless sooner terminated by discharge or otherwise. The President is hereby authorized to discharge any officer from the office held by him under such appointment for any cause which, in the judgment of the President, would promote the public service; and the general commanding any division and higher tactical organization or territorial department is authorized to appoint from time to time military boards of not less than three nor more than five officers of the forces herein provided for to examine into and report upon the capacity, qualification, conduct, and efficiency of any commissioned officer within his command other than officers of the Regular Army holding permanent or provisional commissions therein. Each member of such board shall be superior in rank to the officer whose qualifications are to be inquired into, and if the report of such board be adverse to the continuance of any such officer and be approved by the President, such officer shall be discharged from the service at the discretion of the President with one month's pay and allowances.—*Sec. 9, act of May 18, 1917 (40 Stat., 82)*.

FUEL, FORAGE, ETC., IN KIND.

484. Authority for.—Fuel * * * and forage may be furnished in kind to officers by the Quartermaster's Department according to law and regulations.—*Sec. 1270, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 243)*.

485. Forage.—Forage in kind may be furnished to the officers of the Army by the Quartermaster's Department, only for horses owned and actually kept by such officers in the performance of their official military duties when on duty with troops in the field or at such military posts west of the Mississippi River, as may be from time to time designated by the Secretary of War, and not otherwise. as follows: To the general, five horses; to the lieutenant general, four horses; to a major general, three horses; to a brigadier general, three horses; to a colonel, two horses; to a lieutenant colonel, two horses; to a major, two horses; to a captain (mounted), two horses; to a lieutenant (mounted), two horses; to an adjutant, two horses; to a regimental quartermaster, two horses.—*Sec. 8, act of June 18, 1878 (20 Stat., 150)*.

486. Forage; restriction governing.—Forage shall be allowed to officers only for horses authorized by law and actually kept by them in service when on duty and at the place where they are on duty.—*Sec. 1272, R. S.*

487. Forage; no discrimination against officers serving east of the Mississippi River.—There shall be no discrimination in the issue of forage against officers serving east of the Mississippi River provided they are required by law to be mounted and actually keep and own their animals.—*Act of June 30, 1882 (22 Stat., 119)*.

488. Fuel; allowances limited to actual personal necessities.—Hereafter fuel may be furnished to commissioned officers on the active list by the Quartermaster's Department for the actual use of such officers only at the rate of three dollars per cord for standard oak wood, or at an equivalent rate for other kinds of fuel, the amount so furnished to each to be limited to the officers' actual personal necessities as certified to by him.—*Act of June 12, 1906 (34 Stat., 250).*

489. Forage, bedding, shoeing, shelter, etc.; officers not to be deprived of.—Nothing in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year nineteen hundred and eight or any other act, shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the terms of this act.—*Act of Mar. 3, 1909 (35 Stat., 742).*

490. Same—Not to be deprived of when officer is separated from owned horses through military service.—Hereafter when an officer is separated from his authorized number of owned horses through the nature of the military service upon which employed they shall not be deprived of forage, bedding, shelter, shoeing, or medicines therefor because of such separation.—*Act of Mar. 23, 1910, (36 Stat., 252).*

LEAVE OF ABSENCE.

491. Absence on account of sickness, wounds, etc.—Officers when absent on account of sickness or wounds, or lawfully absent from duty and waiting orders, shall receive full pay; when absent with leave, for other causes, full pay during such absence not exceeding in the aggregate thirty days in one year, and half pay during such absence exceeding thirty days in one year. When absent without leave, they shall forfeit all pay during such absence unless the absence is excused as unavoidable.—*Sec. 1265, R. S.*

492. Cumulative leave.—All officers on duty shall be allowed, in the discretion of the Secretary of War, sixty days' leave of absence without deduction of pay or allowance: *Provided*, That the same be taken once in two years: *And provided further*, That the leave of absence may be extended to three months if taken once only in three years, or four months if taken only once in four years.—*Act of July 29, 1876 (19 Stat., 102).*

493. Commencement and termination of leave—Service in Alaska, etc.—Leaves of absence which may be granted officers of the Regular or Volunteer Army serving in the Territory of Alaska or without the limits of the United States, for the purpose of returning thereto, or which may have been granted such officers for such purpose since the thirteenth day of October, eighteen hundred and ninety-eight, shall be regarded as taking effect on the dates such officers reached or may have reached the United States, respectively, and as terminating, or as having terminated, on the respective dates of their departure from the United States in returning to their commands, as authorized by an order of the Secretary of War dated October 13, 1898.—*Act of Mar. 2, 1901 (31 Stat., 902).*

494. Accrued leave; officers appointed from Volunteer to Regular Army.—Officers appointed to the Regular Army from the Volunteer service, whose service has been continuous, shall, in the computation of leaves of absence after

their appointment in the Regular Army, be entitled to the leave credits which accrued to them as Volunteer officers where such leave credits were not availed of during their Volunteer service.—*Act of June 30, 1902 (32 Stat., 508).*

495. To be absent from Philippines.—Leaves to be absent from the Philippine Islands, other than to return to the United States, which may be granted officers of the Army serving in said islands and sailing from Manila, shall be regarded as taking effect on the dates such officers reach Manila, and as terminating on the dates of their departure from Manila, in returning to their stations.—*Act of Mar. 2, 1907 (34 Stat., 1171).*

496. Instructors at service schools.—The provisions of section thirteen hundred and thirty, Revised Statutes, authorizing leaves of absence to certain officers of the Military Academy during the period of the suspension of the ordinary academic studies, without deduction from pay and allowances, be, and are hereby, extended to include officers on duty exclusively as instructors at the service schools on approval of the officers in charge of said schools.—*Act of Mar. 23, 1910 (36 Stat., 244).*

LONGEVITY PAY.

497. Ten per centum increase for each term of five years of service.—There shall be allowed and paid to each commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, ten per centum of their current yearly pay for each term of five years of service.—*Sec. 1262, R. S.*

498. To be computed on yearly pay of grade.—From and after the first day of July, eighteen hundred and eighty-two, the ten per centum increase for length of service allowed to certain officers by section twelve hundred and sixty-two of the Revised Statutes shall be computed on the yearly pay of the grade fixed by sections twelve hundred and sixty-one and twelve hundred and seventy-four of the Revised Statutes.—*Act of June 30, 1882 (22 Stat., 118).*

499. Not to exceed forty per centum of yearly pay.—The total amount of such increase for length of service shall in no case exceed forty per centum on the yearly pay of the grade as provided by law.—*Sec. 1263, R. S.*

500. Maximum for colonel, lieutenant colonel, and major.—In no case shall the pay of a colonel exceed five thousand dollars a year; the pay of a lieutenant colonel exceed four thousand five hundred dollars a year, or the pay of a major exceed four thousand dollars a year.—*Act of May 11, 1908 (35 Stat., 108).*

501. Service as officer in Volunteers or enlisted men in armies.—All officers of the Army of the United States who have served as officers in the Volunteer forces during the War of the Rebellion, or as enlisted men in the armies of the United States, Regular or Volunteer, shall be, and are hereby, credited with the full time they may have served as such officers and as such enlisted men in computing their service for longevity pay and retirement.—*Sec. 7, act of June 18, 1878 (20 Stat., 150).*

502. Service in Navy to be counted.—The actual time of service in the Army or Navy, or both, shall be allowed all officers in computing their pay.—*Act of Feb. 24, 1881 (21 Stat., 346).*

503. Service of cadet subsequent to act.—Hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army.—*Sec. 6, act of Aug. 24, 1912 (37 Stat., 594).*

MILEAGE, ETC.

504. Sea travel; actual expenses of.—For all sea travel actual expenses only shall be paid to officers * * * when traveling on duty under competent orders, with or without troops, and the amount so paid shall not include any shore expenses at port of embarkation or debarkation; but for the purpose of determining allowances for all travel under orders, or for officers and enlisted men on discharge, travel in the Philippine Archipelago, the Hawaiian Archipelago, the home waters of the United States, and between the United States and Alaska shall not be regarded as sea travel and shall be paid for at the rates established by law for land travel within the boundaries of the United States.—*Act of June 12, 1906 (34 Stat., 247).*

505. Necessity for travel to be stated.—The necessity for travel in the military service shall be certified to by the officer issuing the order and stated in the order.—*Act of Mar. 3, 1883 (22 Stat., 456).*

506. Military information from abroad.—Hereafter the officers detailed to obtain military information from abroad shall be entitled to mileage and transportation * * * as provided when on other duty.—*Act of Feb. 27, 1893 (27 Stat., 480).*

507. Appropriations for, not available for inspections or investigations.—Hereafter no portion of the appropriation for mileage to officers traveling on duty without troops shall be expended for inspections or investigations except such as are especially ordered by the Secretary of War, or such as are made by Army and department commanders in visiting their commands, and those made by the Inspector General's Department in pursuance of law, Army Regulations, or orders issued by the Secretary of War.—*Act of Aug. 6, 1894 (28 Stat., 237).*

508. Special duty to be stated in orders involving payment of.—All orders involving the payment of mileage shall state the special duty enjoined.—*Act of Aug. 6, 1894 (28 Stat., 237).*

509. Payment of allowances restricted.—All allowances for mileage shall be made solely from the sums herein appropriated for such purposes.—*Act of Apr. 23, 1904 (33 Stat., 267).*

510. Traveling under competent orders, rate fixed at seven cents per mile; computation of.—Hereafter officers, active and retired, when traveling under competent orders without troops, and retired officers who have so traveled since March third, nineteen hundred and five, shall be paid seven cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deductions as hereinafter provided; and payment and settlement of mileage accounts of officers shall be made according to distances and deductions computed over routes established and by mileage tables prepared by the paymaster General of the Army under the direction of the Secretary of War.—*Act of June 12, 1906 (34 Stat., 246).*

511. Duty without troops; Secretary of War to determine what shall constitute.—The Secretary of War may determine what shall constitute travel and duty without troops within the meaning of the laws governing payment of mileage to officers of the Army.—*Ibid.*

512. Mileage and transportation allowances, foreign armies; officers and enlisted men of, traveling in the United States on official business in connection with aviation.—That during the present emergency, officers and enlisted men of foreign armies attached to the aviation section of the Signal Corps as instructors or inspectors when traveling in the United States on official business pertaining to the aviation section of the Signal Corps shall be authorized, from funds appropriated by this act, the same mileage and transportation allowances as are authorized for officers and enlisted men of the Regular Army.—*Sec. 9, act of July 24, 1917 (40 Stat., 247).*

513. Transportation in kind, on request.—Officers who so desire may, upon application to the Quartermaster's Department, be furnished under their orders transportation requests for the entire journey by land, exclusive of sleeping and parlor car accommodations, or by water; and the transportation so furnished shall, if travel was performed under a mileage status, be a charge against the officer's mileage account, to be deducted at the rate of three cents per mile by the paymaster paying the account, and of the amount so deducted there shall be turned over to an authorized officer of the Quartermaster's Department three cents per mile for transportation furnished, except over any railroad which is a free or fifty per centum land-grant railroad, for the credit of the appropriation for the transportation of the Army and its supplies.—*Ibid.*

514. Travel over bond-aided roads; deduction.—When the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any fifty per centum land-grant railroad, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, by the Quartermaster's Department. When transportation is furnished by the Quartermaster's Department, or when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account by the paymaster paying the same, three cents per mile for the distance for which transportation has been or should have been furnished.—*Ibid.*

515. Change of station while on leave of absence.—When the station of an officer is changed while he is on leave of absence, he will, on joining the new station, be entitled to mileage for the distance to the new station from the place where he received the order directing the change, provided the distance be no greater than from the old to the new station; but if the distance be greater he will be entitled to mileage for a distance equal to that from the old to the new station only.—*Ibid.*

516. Officers of the Ordnance Department, duty in connection with that department.—That mileage to officers of the Ordnance Department traveling on duty in connection with that department shall be paid from the appropriation for the work in connection with which the travel is performed.—*Act of May 12, 1917 (40 Stat., 65).*

517. Officers of the aviation section, Signal Corps, duty in connection with aviation service.—That mileage to officers in the aviation section, Signal Corps, traveling on duty in connection with aviation service shall be paid from the appropriation for the work in connection with which the travel is performed.—*Act of May 12, 1917 (40 Stat., 43).*

518. Officers of the Corps of Engineers.—In determining the mileage of officers of the Corps of Engineers traveling without troops on duty connected with works under their charge, no deduction shall be made for such travel as may be necessary on free or bond-aided or land-grant railways.—*Sec. 15, act of Sept. 19, 1890 (26 Stat., 456).*

QUARTERMASTER CORPS.

519. Office of storekeeper revoked.—When a vacancy shall occur through death, retirement, or other separation from active service in the office of storekeeper in the Quartermaster Department and Ordnance Department, respectively, now provided for by law, said offices shall cease to exist.—*Acts of Mar. 3, 1899 (30 Stat., 977) and Feb. 2, 1901 (31 Stat., 748).*

520. Doorkeeper to President to have grade of storekeeper.—The military storekeeper now on duty at the White House as doorkeeper to the President may be continued in that employment, and shall receive the full pay and allowances of his grade from the date of his retirement until relieved by the President.—*Act of June 30, 1902 (32 Stat., 511).*

521. Grade of military storekeeper revived.—The President of the United States, in his discretion, be, and he is hereby, authorized to appoint Charles P. Daly, chief clerk, office of the Quartermaster Corps, United States Army, a military storekeeper in the Quartermaster Corps, United States Army, with the rank, pay, and allowances of a captain, mounted; and the grade of military storekeeper is hereby revived in the Army of the United States for this purpose only.—*Act of Aug. 29, 1916 (39 Stat., 626).*

522. Pay clerk commissioned as first lieutenant.—The President is authorized to appoint, and, by and with the advice and consent of the Senate, to commission to the grade of first lieutenant in the Quartermaster Corps, United States Army, a pay clerk of over thirty-one years' service, now in active service, and who has been recommended by the then Secretary of War for such appointment.—*Act of Aug. 29, 1916 (39 Stat., 644).*

523. Pay clerks commissioned as second lieutenants.—The pay clerks now in active service * * * shall, hereafter have the rank, pay, and allowances of a second lieutenant.—*Sec. 9, act of June 3, 1916 (39 Stat., 170).*

QUARTERS.

524. Allowance of.—At all posts and stations where there are public quarters belonging to the United States officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is stated in the following table, namely: Second lieutenants, two rooms; first lieutenants, three rooms; captains, four rooms; majors, five rooms; lieutenant colonels, six rooms; colonels, seven rooms; brigadier-generals, eight rooms;

major generals, nine rooms (lieutenant general, ten rooms).—*Sec. 9, act of June 18, 1878 (20 Stat., 151), as amended by act of Mar. 2, 1907 (34 Stat., 1168).*

525. In kind; authority for.— * * * Quarters * * * may be furnished in kind to officers by the Quartermaster's Department according to law and regulations.—*Sec. 1270, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 243).*

526. Public quarters defined.—Hereafter the Secretary of War may determine where and when there are no public quarters available within the meaning of this or any other act.—*Act of Mar. 4, 1915 (38 Stat., 1069).*

527. Heat and light for.—Hereafter the heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States under such regulations as the Secretary of War may prescribe.—*Act of Mar. 2, 1907 (34 Stat., 1167).*

STOPPAGES AND DEDUCTIONS OF PAY.

528. Rations purchased on credit.—The amount due from any officer for rations purchased on credit, or for any article designated by the inspectors general of the Army and purchased on credit from commissaries of subsistence, shall be deducted from the payment made to such officer next after such purchase shall have been reported to the Paymaster General.—*Sec. 1299, R. S.*

529. Repairs or damages to arms, equipments, etc.—The cost of repairs on damages done to arms, equipments, or implements, shall be deducted from the pay of any officer * * * in whose care or use the same were when such damage occurred, if said damages were occasioned by the abuse or negligence of said officer * * * .—*Sec. 1303, R. S.*

530. For deficiencies, final settlement of accounts.—In case of deficiency of any article of military supplies, on final settlements of the accounts of any officer charged with the issue of the same, the value thereof shall be charged against the delinquent and deducted from his monthly pay, unless he shall show to the satisfaction of the Secretary of War, by one or more depositions setting forth the circumstances of the case, that said deficiency was not occasioned by any fault on his part. And in case of damage to any military supplies, the value of such damage shall be charged against such officer and deducted from his monthly pay, unless he shall, in like manner, show that such damage was not occasioned by any fault on his part.—*Sec. 1304, R. S.*

531. Arrears.—No money shall be paid to any person for his compensation who is in arrears to the United States until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the accounting officers of the Treasury, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the solicitor shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties.—*Sec. 1766, R. S.*

532. Indebtedness, where judgment has been obtained.—The pay of officers of the Army may be withheld under section seventeen hundred and sixty-six of the Revised Statutes on account of an indebtedness to the United States ad-

mitted or shown by the judgment of a court, but not otherwise, unless upon a special order issued according to the discretion of the Secretary of War.—*Act of July 16, 1892 (27 Stat., 177).*

TRAVEL ALLOWANCE.

583. On discharge.—Hereafter when an officer shall be discharged from the service, except by way of punishment for an offense, he shall receive for travel allowances from the place of his discharge to the place of his residence at the time of his appointment or to the place of his original muster into the service four cents per mile.—*Act of Mar. 2, 1901 (31 Stat., 902).*

584. Travel expenses; purposes of instruction.—For travel expenses of officers (engineers) on journeys approved by the Secretary of War and made for the purpose of instruction: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances.—*Act of Mar. 2, 1913 (37 Stat., 719).*

585. Actual expenses, duty in Alaska.—Hereafter actual expenses only, not to exceed four dollars and fifty cents per day and cost of transportation when not furnished by the Quartermaster's Department, shall be paid to the officers of the Army * * * when traveling on duty without troops, under competent orders, within the geographical limits of the Territory of Alaska.—*Act of May 11, 1908 (35 Stat., 114).*

586. Sea travel on discharge; actual expenses.—For sea travel on discharge actual expenses only shall be paid to officers.—*Act of Mar. 2, 1901 (31 Stat., 903).*

587. Travel expenses, officers and enlisted men of foreign armies.—The Secretary of War is hereby authorized, under such regulations and in such manner as he may prescribe, to employ such portion of the appropriations made for transportation of the Army and its supplies as in his judgment may be necessary to defray the expenses of travel incurred by officers and enlisted men of foreign armies attached to the Army of the United States during the present emergency, and that those officers and enlisted men, who may have been performing duties in this connection, be reimbursed from this appropriation for the expenditures they have already been obliged to make.—*Act of Oct. 6, 1917 (40 Stat., 361).*

VETERINARY CORPS.

588. Appointment of veterinarians and assistant veterinarians.—The President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed, including veterinarians now in service, two such officers for each regiment of Cavalry, one for every three batteries of Field Artillery, one for each mounted battalion of engineers, seventeen as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and seven as inspectors of meats for the Quartermaster Corps; and said veterinarians and assistant veterinarians shall be citizens of the United States and shall constitute the Veterinary Corps and shall be a part of the Medical Department of the Army.—*Sec. 16, Act of June 3, 1916 (39 Stat., 176).*

589. Assistant veterinarians; qualifications, etc.—Hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States,

between the ages of twenty-one and twenty-seven years, a graduate of a recognized veterinary college or university, and shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifications.—*Ibid.*

540. *Same; rank, pay, etc.*—An assistant veterinarian appointed under this act shall, for the first five years of service as such, have the rank, pay, and allowances of second lieutenant; that after five years of service he shall have the rank, pay, and allowances of first lieutenant; that after fifteen years of service he shall be promoted to be a veterinarian with the rank, pay, and allowances of captain, and that after twenty years' service he shall have the rank, pay, and allowances of a major.—*Ibid.*

541. *Discharge of, where found deficient at examination.*—Any assistant veterinarian, in order to be promoted as hereinbefore provided, must first pass a satisfactory examination, under such rules as the President may prescribe, as to professional qualifications and adaptability for the military service; and if such assistant veterinarian shall be found deficient at such examination he shall be discharged from the Army with one year's pay.—*Ibid.*

542. *Appointment of veterinarians of Cavalry, Field Artillery, and of the Quartermaster Corps to the Veterinary Corps; rank, pay, and allowances.*—The veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster Corps as are now employed in said corps, who at the date of the approval of this act shall have had less than five years' governmental service, may be appointed in the Veterinary Corps as assistant veterinarians with the rank, pay, and allowances of second lieutenant; those who shall have had over five years of such service may be appointed in said corps as assistant veterinarians with the rank, pay, and allowances of first lieutenant; and those who shall have had over fifteen years of such service may be appointed in said corps as veterinarians with the rank, pay, and allowances of captain: *Provided*, That no such appointment of any veterinarian shall be made unless he shall first pass satisfactorily a practical professional and physical examination as to his fitness for the military service.—*Ibid.*

543. *Retirement of former veterinarians for physical incapacity.*—Veterinarians now in the Army or in the employ of the Quartermaster Corps who shall fail to pass the prescribed physical examination because of disability incident to the service and sufficient to prevent them from the performance of duty valuable to the Government shall be placed upon the retired list of the Army with seventy-five per centum of the pay to which they would have been entitled if appointed in the Veterinary Corps as hereinbefore prescribed.—*Ibid.*

544. *Reserve veterinarians, pay and allowances; eligible as assistant veterinarians.*—The Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint in the Veterinary Corps, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps. Reserve veterinarians so employed shall have the pay and allowances of second lieutenant during such employment and no longer: *Provided*, That such reserve veterinarians shall be graduates of a recognized veterinary college or university and shall pass a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as herein-

before required of assistant veterinarians; such reserve veterinarians shall constitute a list of eligibles for appointment as assistant veterinarians, subject to all the conditions hereinbefore prescribed for the appointment of assistant veterinarians.—*Ibid.*

545. Discharge of at end of probationary period.—Within a limit of time to be fixed by the Secretary of War candidates for appointment as assistant veterinarians who shall have passed satisfactorily the examinations prescribed for that grade by this act shall be appointed, in the order of merit in which they shall have passed such examination, to vacancies as they occur, such appointments to be for a probationary period of two years, after which time, if the services of the probationers shall have been satisfactory, they shall be permanently appointed with rank to date from the dates of rank of their probationary appointments. Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, and shall have no further claims against the Government on account of their probationary service.—*Ibid.*

RETIRED COMMISSIONED OFFICERS.

546. Retired pay.—Officers retired from active service shall receive seventy-five per centum of the pay of the rank upon which they are retired.—*Sec. 1274, R. S.*

547. Same.—*Services in connection with construction of Panama Canal.*—At any time after the passage of this act any officer of the Army * * * to be benefited by the provisions of this act may, on his own application, be retired by the President at seventy-five per centum of the pay of the rank upon which he is retired.—*Act of Mar. 4, 1915 (38 Stat., 1191).*

548. Service as Chief of Staff Corps or department.—Any officer now holding office in any corps or department who shall hereafter serve as chief of staff corps or department and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such corps or department chief.—*Sec. 26, Act of Feb. 2, 1901 (31 Stat., 755).*

549. Civil War service, below grade of brigadier general.—Any officer of the Army below the grade of brigadier general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the Civil War prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Army, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Army and placed on the retired list by virtue of the provisions of a special act of Congress.—*Act of Apr. 23, 1904 (33 Stat., 264).*

550. Same.—*With rank of brigadier general.*—Officers who served creditably in the regular or volunteer forces during the Civil War prior to April ninth, eighteen hundred and sixty-five, and who now hold the rank of brigadier gen-

eral on the active list of the Army, having previously held that rank for three years or more, shall, when retired from active service, have the rank and retired pay of major general.—*Act of Mar. 2, 1907 (34 Stat., 1163).*

551. Examination for return to duty if retired for disability.—The Secretary of War shall make a list of all officers of the Army who have been placed on the retired list for disability and shall cause such officers to be examined at intervals as may be advisable, and such officers as shall be found to have recovered from such disabilities or to be able to perform service of value to the Government sufficient to warrant such action shall be assigned to such duty as the Secretary of War may approve.—*Act of Aug. 29, 1916 (39 Stat., 629).*

ACTIVE DUTY.

552. Assignment to duty at Soldiers' Home, etc., retired pay only.—Retired officers of the Army may be assigned to duty at the Soldier's Home, upon a selection by the commissioners of that institution, approved by the Secretary of War; and a retired officer shall not be assignable to any other duty: *Provided*, That they receive from the Government only the pay and emoluments allowed by law to retired officers.—*Sec. 1259, R. S.*

553. Assigned to active duty, above grade of major, retired pay only.—Retired officers of the Army above the grade of major, heretofore or hereafter assigned to active duty, shall hereafter receive their full retired pay and shall receive no further pay or allowances from the United States.—*Act of Mar. 2, 1905 (33 Stat., 831).*

554. Colonel or Lieutenant colonel.—A colonel or lieutenant colonel heretofore or hereafter assigned to active duty shall hereafter receive the same pay and allowance as a retired major would receive under a like assignment.—*Act of June 12, 1906 (34 Stat., 245).*

555. Temporary command of post without garrison; limitation on pay extended to include brigadier general, major general, and lieutenant general.—When by reason of the movement of troops a post is temporarily left without its regular garrison and with no commissioned officer except of the Medical Reserve Corps on duty thereat, the Secretary of War may assign a retired officer of the Army, with his consent, to active duty in charge of such post. The officer so assigned shall perform the duties of commanding officer and also any necessary staff duties at such post, and shall, while in the performance of such duties, receive the full pay and allowances of his grade, subject to the limitations imposed by the act of March second, nineteen hundred and five, and the act of June twelfth, nineteen hundred and six, which limitations shall include the grades of brigadier general, major general, and lieutenant general.—*Act of Aug. 29, 1916 (39 Stat., 627).*

556. Pay for active duty, not to exceed that of major.—Hereafter any retired officer, who has been or shall be detailed on active duty, shall receive the rank, pay, and allowances of the grade, not above that of major, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement.—*Sec. 24, act of June 3, 1916 (39 Stat., 183).*

557. Detailed to the Organized Militia; full pay, etc.—In addition to the detail of retired officers now authorized by law, it shall hereafter be lawful for the Secretary of War to detail, whenever in his judgment the public interests require it, not exceeding twenty retired officers for service in connection with the Organized Militia in the States or Territories, upon the request of the governor thereof, and such retired officers shall be entitled, while so employed, to receive the full pay and allowances of their respective grades.—*Act of Mar. 2, 1903 (32 Stat., 932).*

558. Detailed as adjutant general, District of Columbia Militia.—The President of the United States may detail as adjutant general of the District of Columbia Militia any retired officer of the Army who may be nominated to the President by the brigadier general commanding the District of Columbia Militia, said retired officer while so detailed to have the active-service pay and allowances of his rank in the Regular Army.—*Act of June 6, 1900 (31 Stat., 671).*

559. In time of war, full pay, etc.—In time of war retired officers of the Army may be employed on active duty, in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grade.—*Sec. 24, act of June 3, 1916 (39 Stat., 183).*

560. Recruiting in connection with National Guard.—The Secretary of War may assign retired officers of the Army, with their consent, to active duty in recruiting, for service in connection with the organized militia of the several States and Territories, upon the request of the governor thereof, as military attachés, upon courts-martial, courts of inquiry, and boards, and to staff duties not involving service with troops; and such officers while so assigned shall receive the full pay and allowances of their respective grades.—*Act of Apr. 23, 1904 (33 Stat., 264).*

561. Detailed as acting quartermasters, not regarded as service with troops.—Assignments which have been made, or may hereafter be made, of retired officers of the Army to active duty as acting quartermasters shall be regarded as assignments to staff duties not involving service with troops within the meaning of the act of Congress approved April twenty-third, nineteen hundred and four.—*Act of May 12, 1917 (40 Stat., 48).*

ACTIVE DUTY—EDUCATIONAL INSTITUTIONS.

562. Detailed as college professor; retired pay only.—Any retired officer may, on his own application, be detailed to serve as professor in any college (but while so serving such officer shall be allowed no additional compensation).—*Sec. 1260, R. S.*

563. Same—Authority for; no additional allowance.—Upon the application of any college, university, or institution of learning incorporated under the laws of any State within the United States, having capacity at the same time to educate not less than one hundred and fifty male students, the President may detail an officer of the Army on the retired list to act as president, superintendent, or professor thereof; and such officer may receive from the institution to which he may be detailed the difference between his retired and full pay, and shall not receive any additional pay or allowance from the United States.—*Act of May 4, 1880 (21 Stat., 113).*

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564. Same—Commutation of quarters to be paid by school.—No detail shall be made under this act to any school unless it shall pay the cost of commutation of quarters of the retired officers * * * detailed thereto to which they may be entitled by law * * *: *Provided*, That no detail shall be made under the provisions of this act unless the officers * * * to be detailed are willing to accept such position: *Provided further*, That they shall receive no compensation from the Government other than their retired pay.—*Act of Apr. 21, 1904 (33 Stat., 225)*.

565. Detailed to educational institutions, to receive full pay, etc.—The act approved November third, eighteen hundred and ninety-three, authorizing the detail of officers of the Army and Navy to educational institutions, be amended so as to provide that retired officers, when so detailed, shall receive the full pay and allowances of their rank, except that the limitations on the pay of officers of the Army above the grade of major as provided in the acts of March second, nineteen hundred and five, and June twelfth, nineteen hundred and six, shall remain in force.—*Act of Mar. 3, 1909 (35 Stat., 738)*.

566. Educational institutions; pay, etc.—The President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; * * *. In time of peace retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail.—*Sec. 45, act of June 3, 1916 (39 Stat., 192)*.

LONGEVITY PAY.

567. Increase of, limited.—No part of this sum shall be used for payment of further increase of longevity pay to officers now on the retired list, and officers hereafter retired from active service shall not be therefrom allowed or paid any increase of longevity pay above the sum allowed and paid to such officers at the date of retirement, unless retired on account of wounds received in battle.—*Act of June 30, 1902 (32 Stat., 511)*.

568. Same—Exception.—Hereafter, except in case of officers retired on account of wounds received in battle, no officer now on the retired list shall be allowed or paid any further increase of longevity pay, and officers hereafter retired, except as herein provided, shall not be allowed or paid any further increase of longevity pay above that which had accrued at date of their retirement.—*Act of Mar. 2, 1903 (32 Stat., 932)*.

569. Increase of, for active service.—Hereafter any retired officer of the Army who has been detailed to active duty, and who has since his retirement served on active detail shall be entitled to increases of longevity pay to be computed as provided by existing statute for the computation of longevity pay, for the time of his service before retirement and on active detail since his retirement.—*Act of May 12, 1917 (40 Stat., 48)*.

WHOLLY RETIRED OFFICERS.

570. Pay and allowances.—Officers wholly retired from the service shall be entitled to receive, upon their retirement, one year's pay and allowances of the highest rank held by them, whether by staff or regimental commission, at the time of their retirement.—*Sec. 1275, R. S.*

ENLISTED MEN.

571. Monthly pay during first enlistment.—Hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows: Master electricians, master signal electricians, seventy-five dollars; engineers, sixty-five dollars; sergeants, first class, Hospital Corps, fifty dollars; regimental sergeants major, regimental quartermaster sergeants, regimental commissary sergeants, sergeants major, senior grade, Coast Artillery, battalion sergeants major of Engineers, post quartermaster sergeants, post commissary sergeants, post ordnance sergeants, battalion quartermaster sergeants of Engineers, electrician sergeants, first class; sergeant, first class, Signal Corps, and first sergeants, forty-five dollars; battalion sergeants major of Infantry and Field Artillery, squadron sergeants major, sergeants major, junior grade, Coast Artillery, battalion quartermaster sergeants, Field Artillery, and master gunners, forty dollars; electrician sergeants second class, sergeants of Engineers, Ordnance, and Signal Corps, quartermaster sergeants of Engineers, and color sergeants, thirty-six dollars; sergeants and quartermaster sergeants of Cavalry, Artillery, and Infantry, stable sergeants, sergeants, and acting cooks of the Hospital Corps, firemen, and cooks, thirty dollars; * * * corporals of Engineers, Ordnance, Signal Corps, and Hospital Corps, chief mechanics and mechanics, Coast Artillery, twenty-four dollars; corporals of Cavalry, Artillery, and Infantry, mechanics of Field Artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, twenty-one dollars; * * * privates first class of Engineers, Ordnance, Signal Corps, and Hospital Corps, eighteen dollars; privates, Hospital Corps, sixteen dollars; trumpeters, musicians of Infantry, Artillery, and Engineers, privates of Cavalry, Artillery, Infantry, Signal Corps and privates second class, Engineers and Ordnance, fifteen dollars.—*Act of May 11, 1908 (35 Stat., 109).*

572. Post quartermaster and post commissary sergeants hereafter to be known as quartermaster sergeants.—The noncommissioned officers now known as post quartermaster sergeants and post commissary sergeants shall hereafter be known as quartermaster sergeants.—*Sec. 3, act of Aug. 24, 1912 (37 Stat., 592).*

573. Monthly pay of certain enlisted men.—Hereafter the monthly pay of enlisted men of certain grades of the Army created in this act shall be as follows, namely: Quartermaster sergeant, senior grade, Quartermaster Corps; master hospital sergeant, Medical Department; master engineer, senior grade, Corps of Engineers; and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, seventy-five dollars; hospital sergeant, Medical Department; and master engineer, junior grade, Corps of Engineers, sixty-five dollars; sergeant, first class, Medical Department, fifty dollars; sergeant, first class, Corps of Engineers; regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers; battalion supply sergeant, Corps of Engineers; and assistant engineer, Coast Artillery Corps, forty-five dollars; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers; and sergeant bugler, Infantry, Cavalry, Artillery, and Corps of Engineers, forty dollars;

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musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers; supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers; sergeant, Medical Department, thirty-six dollars; supply sergeant, Infantry, Cavalry, and Artillery; mess sergeant, Infantry, Cavalry, and Artillery; cook, Medical Department; horseshoer, Infantry, Cavalry, Artillery, Corps of Engineers, Signal Corps, and Medical Department; stable sergeant, Infantry and Cavalry; radio sergeant, Coast Artillery Corps; and musicians, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, thirty dollars; musician, third class, Infantry, Cavalry, Artillery, and Corps of Engineers; corporal, Medical Department, twenty-four dollars; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Department; mechanic, Infantry, Cavalry, and Field Artillery, and Medical Department; farrier, Medical Department; and wagoner, Infantry, Field Artillery, and Corps of Engineers, twenty-one dollars; private, first class, Infantry, Cavalry, Artillery, and Medical Department, eighteen dollars; private, Medical Department, and bugler, fifteen dollars. Nothing herein contained shall operate to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army.—*Sec. 23, act of June 3, 1916 (39 Stat., 186).*

574. Monthly pay in time of war.—Commencing June one, nineteen hundred and seventeen, and continuing until the termination of the emergency, all enlisted men of the Army of the United States in active service whose base pay does not exceed twenty-one dollars per month shall receive an increase of fifteen dollars per month; those whose base pay is twenty-four dollars, an increase of twelve dollars per month; those whose base pay is thirty dollars, thirty-six dollars, or forty dollars, an increase of eight dollars per month; and those whose base pay is forty-five dollars or more, an increase of six dollars per month: *Provided*, That the increases of pay herein authorized shall not enter into the computation of continuous-service pay.—*Act of May 18, 1917 (40 Stat., 82).*

575. Grades of chauffeur, first class, and chauffeur, Signal Corps, created; pay and allowances.—That the grades of chauffeur, first class, and chauffeur are hereby created in the Signal Corps. The pay and allowances of a chauffeur, first-class, shall be the same as a sergeant, first class, in the Signal Corps. Pay and allowances of a chauffeur shall be the same as a sergeant in the Signal Corps.—*Sec. 3, act of July 24, 1917 (40 Stat., 244).*

576. Temporary forces, Signal Corps; pay and allowances.—That all * * * enlisted men of the temporary forces of the Signal Corps, including the aviation section thereof provided for herein, shall be in all respects on the same footing as to pay, allowances, and pensions as permanent * * * enlisted men of corresponding grades and length of service in the Regular Army.—*Sec. 8, act of July 24, 1917 (40 Stat., 245).*

577. Payment to be made by check where no paymaster is on duty.—The Secretary of War is also authorized to arrange for the payment of the enlisted men serving at posts or places where no paymaster is on duty by check or by currency, to be sent to them by mail or express, at the expense and risk of the United States.—*Act of Feb. 27, 1893 (27 Stat., 479).*

578. Receipt of any pay or allowances under fraudulent enlistment a military offense.—Fraudulent enlistment and the receipt of any pay or allowance thereunder, is hereby declared a military offense and made punishable by a court-martial, under the sixty-second article of war.—*Act of July 27, 1892 (27 Stat., 278).*

579. Arrears of pay not to exceed two months.—The Army shall be paid in such manner that the arrears shall at no time exceed two months, unless circumstances shall render further arrears unavoidable.—*Sec. 1189, R. S.*

580. During captivity.—Every noncommissioned officer and private of the Regular Army, and every officer, noncommissioned officer, and private of any militia or volunteer corps in the service of the United States who is captured by the enemy shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled while in the actual service of the United States; but this provision shall not be construed to entitle any prisoner of war of such militia corps to any pay or compensation after the date of his parole, except the traveling expenses allowed by law.—*Sec. 1288, R. S.*

581. Conscripts.—That all * * * enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as * * * enlisted men of corresponding grades and length of service in the Regular Army.—*Sec. 10, act of May 18, 1917 (40 Stat., 82).*

ADDITIONAL PAY AND EXTRA-DUTY PAY.

582. Duty at recruit depots.—Hereafter the Secretary of War shall be authorized to detach from the army at large such number of enlisted men as may be necessary to perform duty at the various recruit depots and the United States military prison, and of the enlisted men so detached, and while performing such duty there shall be allowed for each depot and the prison one who shall have the rank, pay, and allowances of battalion or squadron sergeant major, and for each recruit and prison company one who shall have the rank, pay, and allowances of first sergeant, five the rank, pay, and allowances of sergeant, and six the rank, pay, and allowances of corporal, of the arm of the service to which they respectively belong.—*Act of June 12, 1906 (34 Stat., 242).*

583. Same; extended.—Hereafter one of the enlisted men detached from the Army at large for duty at each of the recruit depots under the provisions of the act of June twelfth, nineteen hundred and six, shall, while so detached, have the rank, pay, and allowances of a regimental sergeant major.—*Act of Aug. 29, 1916 (39 Stat., 624).*

584. Receiving twenty per centum increase in pay proper, not entitled to.—Enlisted men receiving or entitled to the twenty per centum increase of pay herein authorized, shall not be entitled to or receive any additional increased compensation for what is known as extra or special duty.—*Act of Mar. 2, 1901 (31 Stat., 903).*

585. Constant labor of not less than ten days' duration.—When soldiers are detailed for employment as artificers or laborers in the construction of permanent military works, public roads, or other constant labor of not less than ten days' duration, such extra-duty pay hereafter shall be at the rate of fifty cents per day for mechanics, artisans, school-teachers, and clerks at Army, division, and department headquarters, and thirty-five cents per day for other clerks, teamsters, laborers, and other enlisted men on extra duty.—*Sec. 1287, R. S., as amended by act of Mar. 3, 1885 (23 Stat., 359).*

586. *Extra duty; details to be in writing.*—Working parties of soldiers shall be detailed for employment as artificers or laborers, in the construction of permanent military works or public roads, or in other constant labor only upon the written order of a commanding officer, when such detail is for ten or more days.—*Sec. 1235, R. S.*

587. *Additional; when granted a certificate of merit.*—A certificate of merit granted to an enlisted man for distinguished service shall entitle him, from the date of such service, to additional pay at the rate of two dollars per month while he is in the military service, although such service may not be continuous.—*Sec. 1235, R. S., as amended by sec. 2, act of Feb. 9, 1891 (26 Stat., 737).*

588. *Privates, first class, of the Medical Department, acting as dispensary assistants, nurses, surgical assistants, etc.*—Privates, first class, of the Medical Department shall be eligible for rating for additional pay as follows: As dispensary assistant, two dollars a month; as nurse, three dollars a month; as surgical assistant, five dollars a month: *Provided*, That no enlisted man shall receive more than one rating for additional pay under the provisions of this section, nor shall any enlisted man receive any additional pay under such rating unless he shall have actually performed the duties for which he shall be rated.—*Sec. 10, act of June 3, 1916 (39 Stat., 173).*

589. *Mess sergeants.*—Mess sergeants shall receive six dollars per month in addition to their pay.—*Act of May 11, 1908 (35 Stat., 109).*

NOTE.—This additional pay is not payable to soldiers serving in organizations for which the law provides a grade of mess sergeant.

590. *Enlisted men qualifying as marksmen.*—Hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive two dollars per month; as sharpshooters, three dollars per month; as expert riflemen, five dollars per month; as second-class gunners, two dollars per month; as first-class gunners, three dollars per month; as expert first-class gunners, Field Artillery, five dollars per month; as gun pointers, gun commanders, observers second class, chief planters, and chief loaders, seven dollars per month; as plotters, observers, first class, casemate electricians, and coxswains, nine dollars per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no man shall receive at the same time additional pay for more than one of the classifications named in this section.—*Act of May 12, 1917 (40 Stat., 45).*

591. *Duty at recruiting stations.*—The Secretary of War is authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruiting stations, and while performing such duty one member of each party shall have the rank, pay, and allowances of sergeant, and one the rank, pay, and allowances of corporal of the arm of the service to which they respectively belong.—*Sec. 31, act of Feb. 2, 1901 (31 Stat., 756).*

592. *Mess stewards and cooks at recruit depots, and instructor cooks at schools for bakers and cooks.*—Extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks at recruit depots, who are graduates of the school for bakers and cooks, and instructor cooks at the schools for bakers and cooks.—*See annual appropriation acts.*

NOTE.—The rates fixed are one dollar per day for mess stewards and fifty cents per day for cooks.—*A. R. 329.*

593. Signal Service men.—Signal Service men shall not receive extra-duty pay unless specially directed by the Secretary of War.—*Act of June 20, 1878 (20 Stat., 219).*

594. Offices of coast defense artillery engineers and coast defense ordnance officers, and as switchboard operators at seacoast fortifications.—For extra pay to enlisted men employed on extra duty for periods of not less than ten days in the offices of coast defense artillery engineers and coast defense ordnance officers, and as switchboard operators at seacoast fortifications.—*See annual appropriation acts.*

595. Switchboard operators at interior posts.—For extra pay to enlisted men employed on extra duty as switchboard operators at each interior post of the Army.—*See annual appropriation acts.*

596. Enlisted men serving as stenographic reporters at general courts-martial, courts of inquiry, etc.—Hereafter enlisted men may be detailed to serve as stenographic reporters for general courts-martial, courts of inquiry, military commissions, and retiring boards, and while so serving shall receive extra pay at the rate of not exceeding five cents for each one hundred words taken in shorthand and transcribed, such extra pay to be met from the annual appropriation for expenses of courts-martial, and so forth.—*Act of Aug. 24, 1912 (37 Stat., 575).*

597. Detailed to schools.—No detail shall be made under this act to any school unless it shall pay the cost of commutation of quarters of * * * noncommissioned officers detailed thereto and the extra-duty pay to which they may be entitled by law to receive for the performance of special duty.—*Act of Apr. 21, 1904 (33 Stat. 225).*

598. Army service detachment, West Point.—Hereafter no part of the moneys appropriated for use of the Quartermaster's Department shall be used in payment of extra-duty pay for the Army service men in the Quartermaster's Department of West Point.—*Act of Mar. 2, 1907 (34 Stat., 1167).*

599. Disciplinary Barracks Guard; one to have rank, pay, etc., of battalion sergeant major.—In addition to detailing for duty at said disciplinary barracks such number of enlisted men of the Staff Corps and departments as he may deem necessary, the Secretary of War shall assign a sufficient number of enlisted men of the line of the Army for duty as guards at said disciplinary barracks and as noncommissioned officers of the disciplinary organizations herein-after authorized. Said guards, and also the enlisted men assigned for duty as noncommissioned officers of disciplinary organizations, shall be detached from the line of the Army, or enlisted for the purpose; and said guards shall be organized as infantry, with noncommissioned officers, musicians, artificers, and cooks of the number and grades allowed by law for infantry organizations of like strength: *Provided*, That at least one of said guards shall have the rank, pay, and allowances of a battalion sergeant major.—*Sec. 4, act of Mar. 4, 1915 (38 Stat., 1085).*

600. Same—Rates of pay.—Hereafter the extra-duty pay to the United States disciplinary barracks guard shall be at the following rates per day: Battalion sergeants major, first sergeants, mess sergeants, supply sergeants,

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and sergeants, thirty-five cents; corporals, thirty cents; cooks and mechanics, privates first class, privates, and buglers, twenty cents.—*Act of May 12, 1917* (40 Stat., 52).

601. Extra pay to certain enlisted men employed on Washington-Alaska cable and telegraph system.—Extra pay to enlisted men of the line of the Army and to enlisted men of the Quartermaster Corps, Medical Department and of the Signal Corps employed in the Territory of Alaska on the Washington-Alaska cable and telegraph systems for periods of not less than ten days at the rate of thirty-five cents per day.—*Annual appropriation act*.

ALLOTMENTS OF PAY.

602. Authority for making allotments of pay.—The Secretary of War is hereby authorized to permit, under such regulations as he may prescribe, any * * * enlisted man on the active list of the Army, any retired * * * enlisted man of the Army on active duty * * * to make allotments of his pay for the support of his wife, children, or dependent relatives, or for such other purposes as the Secretary of War may deem proper.—*Act of Oct. 6, 1917* (40 Stat., 385).

603. Credit to disbursing officers for payment of.—Allotments of pay of * * * enlisted men * * * that have been or shall be paid to designated allottees previous to the receipt by disbursing officer of notice of discontinuance of the same from the officer required by regulations to furnish such notice shall pass to the credit of the disbursing officer who has made or shall make such payments.—*Ibid*.

604. Erroneous payments to be collected from responsible officers.—If erroneous payment is made because of the failure of an officer to report, in the manner prescribed by the Secretary of War, the death of the grantor, or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Quartermaster General from the officer who fails to make such report, if such collection is practicable. Nothing herein shall be construed to invalidate allotments now in force.—*Ibid*.

ASSIGNMENTS OF PAY.

605. Prior to discharge, not authorized.—No assignment of pay by a non-commissioned officer or private, previous to his discharge, shall be valid.—*Sec. 1291, R. S.*

BONUS FOR REENLISTMENT.

606. Three months' pay, first reenlistment.—Hereafter any private, soldier, musician, or trumpeter honorably discharged at the termination of his first enlistment, who reenlists within three months of the date of said discharge shall, upon such enlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.—*Act of May 11, 1908* (35 Stat., 110).

BOUNTY FOR REENLISTMENT IN TIME OF WAR.

607. Computation of amounts for reenlistment in the line of the Army, or in the Signal, Medical, or Quartermaster Departments.—For the purpose of utilizing as an auxiliary to the Regular Army Reserves the services of men who

have had experience and training in the Regular Army, or in the United States Volunteers, outside of the continental limits of the United States, in time of actual or threatened hostilities, and after the President shall by proclamation have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who, having been found physically qualified for the duties of a soldier, if not over fifty years of age, shall reenlist in the line of said Army, or in the Signal, Quartermaster, or Medical Department thereof, within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of \$8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of \$6 per month for the second year of such period; at the rate of \$4 per month for the third year of such period; and at the rate of \$2 per month for any subsequent year of such period; but no bounty in excess of \$300 shall be paid to any person under the terms of this section.—*Sec. 34, act of June 3, 1916 (39 Stat., 188).*

CLOTHING ALLOWANCE.

608. *Settlement of.*—The money value of all clothing overdrawn by the soldier beyond his allowance shall be charged against him, every six months, on the muster roll of his company, or on his final statements if sooner discharged, and he shall receive pay for such articles of clothing as have not been issued to him in any year, or which may be due to him at the time of his discharge, according to the annual estimated value thereof. The amount due him for clothing, when he draws less than his allowance, shall not be paid to him until his final discharge from the service.—*Sec. 1302, R. S.*

609. *Gratuitous issues in case of contagious diseases.*—The Secretary of War may, on the recommendation of the Surgeon General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace any articles of their clothing destroyed by order of the proper medical officers to prevent contagion.—*Sec. 1298, R. S.*

610. *Clothing allowance of sergeants of ordnance.*—Sergeants of ordnance shall receive the same allowance of clothing as other sergeants in like staff departments.—*Act of July 16, 1892 (27 Stat., 178).*

611. *Issue of clothing to discharged military convicts.*—Every prisoner, upon being discharged from prison, shall be furnished with decent clothing.—*Sec. 1355, R. S.*

612. *Gratuitous issue of suit of clothing, not exceeding ten dollars, to discharged military prisoners.*—For a suit of citizen's outer clothing, to cost not exceeding ten dollars, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge.—*Annual appropriation acts.*

613. *Donation of five dollars to each dishonorably discharged military prisoner.*—For a donation of five dollars to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge.—*Annual appropriation acts.*

614. Indemnity for clothing and bedding destroyed for sanitary reasons.—For indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April twenty-second, eighteen hundred and ninety-eight, by order of medical officers of the Army for sanitary reasons.—*Annual appropriation acts.*

CLOTHING, ALTERATION OF.

615. Authority for; amount to be deducted from pay, etc.—It shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests, and overalls or breeches which may from time to time be issued to and for his regiment to be altered and new-made, so as to better to fit them to the persons, respectively, for whose use they shall be delivered; and for defraying the expense of such alterations to cause to be deducted and applied out of the pay of such persons a sum or sums not exceeding twenty-five cents for each coat, eight cents for each vest and for each pair of overalls or breeches.—*Sec. 1220, R. S.*

616. Limit of cost for altering and fitting clothing.—Hereafter the regimental price fixed for altering and fitting soldiers' clothing shall not exceed the cost of making the same at the clothing depots.—*Act of Mar. 2, 1889 (25 Stat., 831).*

COMMUTATION OF ALLOWANCES.

617. Of quarters, etc., where no public quarters are available.—Hereafter, at places where there are no public quarters available, commutation for the authorized allowance therefor shall be paid * * * when specifically authorized by the Secretary of War, to enlisted men at the rate of \$15 per month. or in lieu thereof he may, in his discretion, rent quarters for the use of said enlisted men when so on duty.—*Act of Mar. 4, 1915 (38 Stat., 1069).*

618. Same—Signal Service, Arctic regions.—The allowance for commutation of quarters * * * shall be, * * * for * * * enlisted men of the Signal Service serving in the Arctic regions, the same in amount as though they were serving in Washington, District of Columbia.—*Act of June 30, 1882 (22 Stat., 118).*

619. Of quarters, heat and light.—For commutation of quarters and of heat and light to * * * enlisted men on duty at places where no public quarters are available.—*Annual appropriation acts.*

620. Of rations.—Of the regulation allowances of commutation in lieu of rations to enlisted men of furlough, enlisted men * * * when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in departments and Army rifle competition while traveling to and from places of contest * * * applicants for enlistment, and general prisoners while traveling under orders.—*Annual appropriation acts.*

DEPOSITS MADE BY ENLISTED MEN.

621. Authority for; method of making and keeping, etc.—Any enlisted man of the Army may deposit his savings, in sums not less than five dollars, with any Army paymaster, who shall furnish him a deposit book, in which shall be entered the name of the paymaster and of the soldier, and the amount, date,

and place of such deposit. The amount so deposited shall be accounted for in the same manner as other public funds, and shall be deposited in the Treasury of the United States and kept as a separate fund, known as pay of the Army deposit fund, repayment of which to the enlisted man on discharge from the service shall be made out of the fund created by said deposits, and shall not be subject to forfeiture by sentence of courts-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased soldier, and that such deposits be exempt from liability for such soldiers' debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same.—*Sec. 1305, R. S., as amended by act of June 12, 1906 (34 Stat., 246)*.

622. Interest on five dollars or over.—For any sums not less than five dollars so deposited for the period of six months or longer, the soldier on his final discharge, shall be paid interest at the rate of four per centum per annum.—*Sec. 1306, R. S.*

623. Regulations to be prescribed by Secretary of War.—The system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of War.—*Sec. 1307, R. S.*

DISCHARGE—HONORABLE.

624. Travel pay.—On and after July first, nineteen hundred and sixteen, an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive $3\frac{1}{2}$ cents per mile from the place of his discharge to the place of his acceptance for enlistment, enrollment, or original muster into the service, *at his option*: *Provided*, That for sea travel on discharge transportation and subsistence only shall be furnished to enlisted men.—*Sec. 126, act of June 3, 1916 (39 Stat., 217)*.

625. By purchase.—When an enlisted man is discharged by purchase while in active service he shall be furloughed to the Regular Army Reserve, unless, in the discretion of the Secretary of War, he is given a final discharge from the Army.—*Sec. 29, act of June 3, 1916 (39 Stat., 187)*.

626. Dependent family.—When by reason of death or disability of a member of the family of an enlisted man occurring after his enlistment members of his family become dependent upon him for support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States or be furloughed to the Regular Army Reserve, upon due proof being made of such condition.—*Ibid.*

627. Same.—The President may provide for the discharge of any or all enlisted men whose status with respect to dependents renders such discharge advisable.—*Sec. 7, act of May 18, 1917 (40 Stat., 81)*.

628. At termination of war of 1917.—That all persons who have enlisted since April first, nineteen hundred and seventeen, either in the Regular Army or in the National Guard, and all persons who have enlisted in the National Guard since June third, nineteen hundred and sixteen, upon their application, shall be discharged upon the termination of the existing emergency.—*Ibid.*

DISCHARGE—DISHONORABLE.

629. Pay and allowances not to accrue while under suspended sentence.—Hereafter pay and allowances shall not accrue to a soldier under sentence of dishonorable discharge, during such period as the execution of the sentence of discharge may be suspended under authority of the act of Congress approved April twenty-seventh, nineteen hundred and fourteen, and pay which has heretofore been forfeited under such suspended sentence shall not be held to have accrued to the Soldiers' Home under the operation of section forty-eight hundred and eighteen, Revised Statutes, but shall be covered back into the Treasury of the United States.—*Act of Mar. 4, 1915 (38 Stat., 1065).*

DISCHARGE—FINAL.

630. How same may be procured.—No enlisted man in the Regular Army shall receive his final discharge until the termination of his seven-year term of enlistment except upon reenlistment as provided for in this act or as provided by law for discharge prior to expiration of term of enlistment, but when an enlisted man is furloughed to the Regular Army Reserve his account shall be closed and he shall be paid in full to the date such furlough becomes effective, including allowances provided by law for discharged soldiers.—*Sec. 29, act of June 3, 1916 (39 Stat., 187).*

631. Men enlisting prior to Nov. 1, 1916.—Except upon reenlistment after four years' service or as now otherwise provided for by law, no enlisted man shall receive a final discharge until the expiration of his seven-year term of enlistment, including his term of service in the Army Reserve, but any such enlisted man may be reenlisted for a further term of seven years under the same conditions in the Army at large, or, in the discretion of the Secretary of War, for a term of three years in the Army Reserve; and any person who may have been discharged honorably from the Regular Army, with character reported as at least good, and who has been found physically qualified for the duties of a soldier, if not over forty-five years of age, may be enlisted in the Army Reserve for a similar term of three years.—*Act of Aug. 24, 1912 (37 Stat., 591).*

EMPLOYMENT.

632. Prohibited from civil.—Hereafter no enlisted man in the active service of the United States in the Army, Navy, and Marine Corps, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.—*Sec. 35, act of June 3, 1916 (39 Stat., 188).*

INDIAN SCOUTS.

633. Authority for enlistment of.—The President is authorized to enlist a force of Indians, not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease, or at the discretion of the department commander.—*Sec. 1112, R. S.*

684. Pay for owned horses.—A proportionate number of noncommissioned officers may be appointed. And the scouts, when they furnish their own horses and horse equipment, shall be entitled to receive forty cents per day for their use and risk so long as thus employed.—*Act of Aug. 12, 1876 (19 Stat., 131).*

NOTE.—Indian scouts are a part of the Army. They are on the same status as to all pay and allowances as are other enlisted men.

LENGTH OF SERVICE.

685. Rate of, etc.—Hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, namely: For those whose initial pay as provided herein is thirty-six dollars or more an increase of four dollars monthly pay for and during the second enlistment, and a further increase of four dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is eighteen, twenty-one, twenty-four, or thirty dollars, an increase of three dollars monthly pay for and during the second enlistment, and a further increase of three dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is fifteen and sixteen dollars, an increase of three dollars monthly pay for and during the second and third enlistments each, and a further increase of one dollar for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment.—*Act of May 11, 1908 (35 Stat., 109), amending sec. 1282 and 1284, R. S.*

686. Period of enlistment.—Hereafter any soldier honorably discharged at the termination of his first or any succeeding enlistment period who reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this act.—*Ibid.*

687. Continuance of warrant.—Any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of three years in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within twenty days after the date of such discharge.—*Sec. 27, act of June 3, 1916 (39 Stat., 186).*

688. Commissioned service in volunteer organizations to be counted as continuous service.—All enlisted men of the Regular Army who served as commissioned officers of United States Volunteers organized in eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, or who have served or may be now serving as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous-

service pay and to count, in computing the time necessary to enable them to retire, as enlisted men.—*Act of Mar. 2, 1903 (32 Stat., 934).*

639. *Commissioned service in Philippine Scouts to be counted as continuous service.*—All enlisted men of the Regular Army who have been appointed commissioned officers of the Philippine Scouts subsequent to March second, nineteen hundred and three, or who may hereafter be so appointed, and who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous-service pay and to count, in computing the time necessary to enable them to retire, as enlisted men.—*Act of June 12, 1906 (34 Stat., 248).*

640. *Number of years to be counted as an enlistment period in computing continuous-service pay.*—For all enlistments hereafter accomplished under the provisions of this act, four years shall be counted as an enlistment period in computing continuous-service pay.—*Sec. 12, Act of Aug. 24, 1912 (37 Stat., 590).*

641. *Same.*—In all enlistments hereafter accomplished under the provisions of this act, three years shall be counted as an enlistment period in computing continuous-service pay.—*Sec. 27, act of June 3, 1916 (39 Stat., 186).*

642. *Serving out enlistment period.*—That any enlisted man, subject to good conduct and physical fitness for duty, upon his written application to that effect, shall have the right of remaining with the organization to which he belongs until the completion of his whole enlistment, without passing into the reserve.—*Sec. 2, Act of Aug. 24, 1912 (37 Stat., 591).*

643. *Service as officer in Reserve Corps, etc., to be counted.*—Hereafter any enlisted man of the Army who shall be discharged to enable him to accept a commission in the Officers' Reserve Corps, or in any National Guard or militia organization, or in any volunteer force that may be authorized in the future, and who shall enlist in the Army within three months after the termination of his connection as an officer with that corps or with any organization of the National Guard or militia, or a volunteer force, or during the continuation of his connection therewith, as an officer, shall, in computing continuous-service pay now authorized by law, be entitled to credit for the period of time actually served by him prior to said discharge, and in computing service for retirement and continuous-service pay, service as an officer of the National Guard while in the service of the United States, service in any volunteer force, and service in the Officers' Reserve Corps in active service shall be counted.—*Act of May 12, 1917 (40 Stat., 74).*

644. *Enlistments, term of.*—On and after November first, nineteen hundred and twelve, all enlistments in the Regular Army shall be for a term of seven years, the first four years in the service with the organizations of which those enlisting for a part and, except as otherwise provided herein, the last three years on furlough and attached to the Army Reserves hereinafter provided for.—*Sec. 2, act of Aug. 24, 1912 (37 Stat., 590).*

645. *Same.*—On and after the first day of November, nineteen hundred and sixteen, all enlistments in the Regular Army shall be for a term of seven years, the first three years to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein.

the last four years in the Regular Army Reserve hereinafter provided for.—*Sec. 27, act of June 3, 1916 (39 Stat., 186).*

646. Reenlistments.—At the expiration of four years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment.—*Sec. 2, act of Aug. 24, 1912 (37 Stat., 590).*

647. Same.—At the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment.—*Sec. 27, act of June 3, 1916 (39 Stat., 186).*

648. May be furloughed to reserve; when.—Any enlisted man, at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, upon his written application, may be furloughed and transferred to the Army Reserve, in the discretion of the Secretary of War, in which event he shall not be entitled to reenlist in the service until the expiration of his term of seven years.—*Sec. 2, act of Aug. 24, 1912 (37 Stat., 590).*

649. Same.—After the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained, may, in the discretion of the Secretary of War, be furloughed to the Regular Army Reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years.—*Sec. 27, act of June 3, 1916 (39 Stat., 186).*

REMOUNT DETACHMENTS.

650. Authority for, at remount depots.—Hereafter from the enlisted force of the Army now provided by law, the President may authorize the organization of remount detachments at each of the remount depots, and may authorize the appointment therein of such noncommissioned officers, mechanics, artificers, farriers, horseshoers, and cooks as may be necessary for the administration of such remount depots: *Provided*, That nothing herein shall be so construed as to authorize an increase in the total number of enlisted men of the Army now authorized by law.—*Act of Mar. 3, 1911 (36 Stat., 1049).*

SCHOOL FOR BAKERS AND COOKS.

651. Prizes for cooks and bakers.—For providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed nine hundred dollars per annum.—*Annual appropriation acts.*

STOPPAGES OF PAY.

652. Rations purchased on credit.—The amount due from any enlisted man for articles designated by the inspectors general of the Army, and sold to him

NOTE.—All men enlisting between Nov. 1, 1912, and Oct. 31, 1916, are subject to the provisions of the act of Aug. 24, 1912.

on credit by commissaries of subsistence, shall be deducted from the payment made to him next after such sale shall have been reported to the Paymaster General.—*Sec. 1300, R. S.*

653. For tobacco purchased.—The amount due from any enlisted man for tobacco sold to him at cost prices by the United States shall be deducted from his pay in the manner provided for the settlement of clothing accounts.—*Sec. 1301, R. S.*

654. Cost of repairs or damages to arms, equipments, etc.—The cost of repairs or damages done to arms, equipments, or implements shall be deducted from the pay of any * * * soldier in whose care or use the same were when such damage occurred, if said damages were occasioned by the abuse or negligence of said * * * soldier.—*Sec. 1303, R. S.*

TRAVEL ALLOWANCE.

655. On discharge.—On and after July first, nineteen hundred and sixteen, an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive three and one-half cents per mile from the place of his discharge to the place of his acceptance for enlistment, enrollment, or original muster into the service, at his option.—*Sec. 126, act of June 3, 1916 (39 Stat., 217).*

656. Sea travel, on discharge.—For sea travel on discharge transportation and subsistence only shall be furnished to enlisted men.—*Ibid.*

RETIRED ENLISTED MEN.

657. Pay, etc., thirty years' service.—When an enlisted man shall have served thirty years either in the Army, Navy, or Marine Corps, or in all, he shall, upon making application to the President, be placed upon the retired list, with seventy-five per cent of the pay and allowances he may then be in receipt of, and that said allowances shall be as follows: Nine dollars and fifty cents per month in lieu of rations and clothing and six dollars and twenty-five cents per month in lieu of quarters, fuel, and light; *Provided*, That in computing the necessary thirty years' time all service in the Army, Navy, and Marine Corps shall be credited.—*Act of Mar. 2, 1907 (34 Stat., 1217).*

658. Restored to active duty.—And he (the President) may also authorize the employment on any active duty of retired enlisted men of the Regular Army, either with their rank on the retired list or in higher enlisted grades, and such retired enlisted men shall receive the full pay and allowances of the grades in which they are actively employed.—*Act of May 18, 1917 (40 Stat., 81).*

659. Commutation of quarters, heat and light.—For commutation of quarters and of heat and light to * * * retired enlisted men when ordered to active duty.—*Annual appropriation acts.*

THE NATIONAL GUARD.

660. Composition of.—The National Guard shall consist of the regularly enlisted militia between the ages of eighteen and forty-five years, organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of twenty-one and sixty-four years.—*Sec. 58, act of June 3, 1916 (39 Stat., 197).*

APPROPRIATIONS.

661. Appropriation, apportionment, and disbursement of funds for the National Guard.—A sum of money shall hereafter be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to said guard as are now or may hereafter be authorized by law.—*Sec. 67, ibid., 199.*

662. Ratio of apportionment among the States and Territories.—The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe.—*Ibid.*

663. Purposes for which available.—The sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services, now authorized for the Division of Militia Affairs; for expenses of enlisted men of the Regular Army on duty with the National Guard, including quarters, fuel, light, medicines, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law.—*Ibid.*

664. Disbursements and accounting.—All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the thirty-first day of December and the thirtieth day of June of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War.—*Sec. 110, ibid.*

DISCHARGE.

665. Of enlisted men.—An enlisted man discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time

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of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.—*Sec. 72, act of June 3, 1916 (39 Stat., 201).*

666. *Of officers, for unfitness.*—At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer, he shall be discharged.—*Sec. 77, ibid.*

667. *For other causes; attached to reserve.*—Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial. Officers of said guard rendered surplus by the disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the said reserve.—*Ibid.*

DISTRICT OF COLUMBIA.

668. *Allowance to officers for clothing and equipment.*—There may be paid to all commissioned officers (without discrimination, and in lieu of the limited pay authorized by this section) an allowance to be used by them in the purchase and maintenance of clothing and equipment.—*Act of Mar. 2, 1911 (36 Stat., 1004).*

669. *Pay for active service in case of riot, etc.*—Whenever the National Guard of the District of Columbia shall be ordered to duty in case of riot, tumult, breach of the peace, or whenever called in aid of the civil authorities, all enlisted men who do duty shall be paid at the rate equivalent to two times the pay of enlisted men of the Regular Army of like grade. Commissioned officers who do duty shall be entitled to and shall receive the same pay and allowances as commissioned officers of like grade of the Regular Army. Each mounted officer and enlisted man shall be paid a reasonable per diem compensation for each horse actually furnished and used by him.—*Sec. 53, act of Feb. 18, 1909 (35 Stat., 634).*

670. *Pay for active service with Regular Army.*—When the National Guard of the District of Columbia is called into the actual service of the United States the officers and enlisted men shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.—*Ibid.*

671. *Pay to members of bands during annual encampment and on days of parades.*—During the annual encampment, and on every duty on parade ordered by the commanding general, there shall be allowed and paid for each day of service: To each member of the regularly enlisted bands, four dollars; to the chief musicians, eight dollars; and to the principal musicians, six dollars. In event there is no enlisted band or field music, or not a sufficient number of either, the commanding general may authorize the employment of such as he may deem necessary for the occasion: *Provided, That the total pay of enlisted musicians shall not in any event exceed the rates authorized by this section.*—*Sec. 64, act of Feb. 18, 1909 (35 Stat., 635).*

672. Uniforms and equipments to be issued from Army stores.—Every organization of the National Guard (District of Columbia) shall be provided with such ordnance and ordnance stores, clothing, camp and garrison equipage, quartermaster's stores, medical supplies, and other military stores as may be necessary for the proper training and instruction of the force and for the proper performance of the duties required under this act. Such property shall be issued from the stores and supplies appropriated for the use of the Army, upon the approval and by the direction of the Secretary of War.—*Sec. 31, act of Mar. 1, 1889 (25 Stat., 776).*

673. Subsistence during annual encampments, etc.—During the annual encampment, or when ordered on duty to aid the civil authorities, the National Guard (District of Columbia) shall be furnished with subsistence stores of the kind, quality, and amount allowed and prescribed by the Army. Such stores shall be issued from the stores and supplies appropriated for the use of the Army, upon the approval and by the direction of the Secretary of War, to the commanding general upon his requisitions for the same.—*Act of Mar. 1, 1889 (25 Stat., 780).*

ENCAMPMENTS AND MANEUVERS.

674. Participation in Army, etc.—Under such regulations as the President may prescribe, the Secretary of War is authorized to provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, either independently or in conjunction with any part of the Regular Army.—*Sec. 94, act of June 3, 1916 (39 Stat., 206).*

675. Allotment for expenses of.—There may be set aside from the funds appropriated for that purpose and allotted to any State, Territory, or the District of Columbia such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of such State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice, for field and coast-defense instruction.—*Ibid.*

676. Pay, etc.—The officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled by law.—*Ibid.*

677. Pay, etc., attending National Guard instruction camps.—Officers and enlisted men attending such camps shall be entitled to pay and transportation, and enlisted men to subsistence in addition, at the same rates as for encampments or maneuvers for field or coast-defense instruction.—*Sec. 97, ibid.*

678. Payments to be made any time after muster.—When any portion of the National Guard shall participate in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, under the provisions of this act, it may, after being duly mustered, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive; and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same.—*Sec. 98, ibid.*

679. Reduced rates by common carriers permitted.—Hereafter nothing in the act of February fourth, eighteen hundred and eighty-seven, known as the act to regulate commerce or any amendments thereto, shall be construed to prohibit any common carrier from giving reduced rates for members of National Guard organizations traveling to and from joint encampments with the Regular Army.—*Sec. 1, act of Aug. 29, 1916 (39 Stat., 646).*

EQUIPMENT AND UNIFORMS.

680. To be the same as for Regular Army.—The National Guard of the United States shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army.—*Sec. 82, act of June 3, 1916 (39 Stat., 203).*

681. Authority for purchase and issue of.—The Secretary of War is hereby authorized to procure, under such regulations as the President may prescribe, by purchase or manufacture, within the limits of available appropriations made by Congress, and to issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, such number of United States service arms, with all accessories, field-artillery matériel, engineer, coast artillery, signal, and sanitary matériel, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia.—*Sec. 83, ibid.*

682. Provision for protection, care, etc., of.—That as a condition precedent to the issue of any property as provided for by this act, the State, Territory, or the District of Columbia desiring such issue shall make adequate provision, to the satisfaction of the Secretary of War, for the protection and care of such property.—*Ibid.*

683. New types to be furnished without charge.—Under such regulations as the President may prescribe, whenever a new type of equipment, small arm, or field gun shall have been issued to the National Guard of the several States, Territories, and the District of Columbia such equipment, small arms, and field guns, including all accessories, shall be furnished without charging the cost or value thereof or any expense connected therewith against the appropriations provided for the support of the National Guard.—*Sec. 84, ibid.*

684. Replacing prior, etc., issues.—Each State, Territory, and the District of Columbia shall, on the receipt of new property issued to replace obsolete or condemned prior issues, turn in to the War Department or otherwise dispose of, in accordance with the directions of the Secretary of War, all property so replaced or condemned, and shall not receive any money credit therefor.—*Sec. 85, ibid.*

685. Disposition and replacement of damaged property.—All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National

Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports.—*Sec. 87, ibid.*

686. Credit allowed for lost, damaged, or destroyed property; when.—And if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor.—*Ibid.*

687. Payment for loss, if due to carelessness, etc.—If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia, to be paid from State, Territory, or District funds, or any funds other than Federal.—*Ibid.*

688. Disposal, etc., of unserviceable; allowance for.—If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and as a part of and in addition to that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war.—*Ibid.*

689. Refusal to pay for loss, etc., a bar to future allotments.—If any State, Territory, or the District of Columbia shall neglect or refuse to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment shall have been made.—*Ibid.*

EXPENSES OF ENROLLMENT.

690. Of march to place of rendezvous.—The expenses incurred by marching the militia of any State or territory to their places of rendezvous, in pursuance of a requisition of the President, or of a call made by the authority of any State or Territory and approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President; but this provision does not authorize any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such places of rendezvous.—*Sec. 1654, R. S.*

HORSES FOR CAVALRY AND FIELD ARTILLERY.

691. Authority for purchase.—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under

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such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery and Cavalry of the National Guard, said horses to remain the property of the United States and to be used solely for military purposes.—*Sec. 89, act of June 3, 1916 (39 Stat., 205).*

692. Appropriations for extended to include signal companies, engineer companies, ambulance companies, and other mounted units.—To provide for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery, Cavalry, signal companies, engineer companies, ambulance companies, and other mounted units of the National Guard, said horses to remain the property of the United States and to be used solely for military purposes. Horses so purchased may be issued not to exceed thirty-two to any one battery, troop, or company, or four to a battalion or regimental headquarters, under such regulations as the Secretary of War may prescribe.—*Act of Aug. 29, 1916 (39 Stat., 645).*

693. Issue of; regulations governing.—Horses so purchased may be issued not to exceed thirty-two to any one battery or troop, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the use of such organizations, condemned Army horses which are no longer fit for service, but which may be suitable for the purposes of instruction, such horses to be sold as now provided by law when said purposes shall have been served.—*Sec. 89, act of June 3, 1916 (39 Stat., 205).*

694. Care of, etc.; payment to men detailed.—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government horses issued to any battery or troop, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery or troop, shall be duly enlisted therein and shall be detailed by the battery or troop commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia.—*Sec. 90, ibid.*

INSPECTION OF EQUIPMENT, RECORDS, ETC.

695. To be made by Army officers detailed for the purpose.—The Secretary of War shall cause an inspection to be made at least once each year by inspectors general, and if necessary by other officers of the Regular Army, detailed by him for that purpose, to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organization and the officers and enlisted men thereof are sufficiently armed, uninformed, equipped, and being trained and instructed for active duty in the field or coast defense, and whether the records are being kept in accordance with the requirements of this act. The reports of such inspections shall serve as the basis for deciding as to the issue to and retention by the National

Guard of the military property provided for by this act, and for determining what organizations and individuals shall be considered as constituting parts of the National Guard within the meaning of this act.—*Sec. 93, act of June 3, 1916 (39 Stat., 206).*

INSTRUCTION AT ARMY SERVICE SCHOOLS.

696. Of officers and men.—Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises.—*Sec. 99, act of June 3, 1916 (39 Stat., 207).*

697. Pay and allowances while attending Army service schools; limitation.—Such officer or enlisted man shall receive, out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters, or commutation of quarters, and the same pay, allowances, and subsistence to which an officer or enlisted man of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction: *Provided*, That in no case shall the pay and allowances authorized by this section exceed those of a captain.—*Ibid.*

LENGTH OF SERVICE.

698. Active and reserve service.—Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard Reserve, hereinafter provided for, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army.—*Sec. 69, act of June 3, 1916 (39 Stat., 200).*

699. Continuous active service allowed.—In the National Guard the privilege of continuing in active service during the whole of an enlistment period and of reenlisting in said service shall not be denied by reason of anything contained in this act.—*Ibid.*

700. Compensation for part of first year; other duty accepted in lieu of drills.—When any man enters into an enlistment other than an immediate reenlistment he shall be entitled to proportional compensation for that year if during the remainder of the year he shall attend a number of drills whose ratio to twenty-four is not less than the ratio of the part of the year so served to the whole year; and when any man's enlistment shall expire the compensation, if any, to which he may be entitled shall be determined in like manner: *Provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War.—*Sec. 110, Ibid., p. 209.*

PAY AND ALLOWANCES.

701. Pay to certain officers for services.—Certain commissioned officers on the active list belonging to organizations of the National Guard of each State, Territory, and the District of Columbia participating in the apportionment of the annual appropriation for the support of the National Guard shall receive compensation for their services, except during periods of service for which they may become lawfully entitled to the same pay as officers of corresponding grades of the Regular Army, as follows, not to include longevity pay: A captain five hundred dollars per year and the same pay shall be paid to every officer of higher rank than that of captain, a first lieutenant two hundred and forty dollars per year, and a second lieutenant two hundred dollars per year. Regulations to be prescribed by the Secretary of War shall determine the amount and character of service that must be rendered by officers to entitle them to the whole or specific parts of the maximum pay hereinbefore authorized—*Sec. 109, Ibid.*

702. Staff officers, aids-de-camp, and chaplains.—That all staff officers, aids-de-camp, and chaplains shall receive not to exceed one-half of the pay of a captain, except that regimental adjutants, and majors and captains in command of machine-gun companies, ambulance companies, field hospital companies, or sanitary troops shall receive the pay hereinbefore authorized for a captain.—*Ibid.*

703. Enlisted men, active service.—Each enlisted man on the active list belonging to an organization of the National Guard of a State, Territory, or the District of Columbia, participating in the apportionment of the annual appropriation for the support of the National Guard, shall receive compensation for his services, except during periods of service for which he may become lawfully entitled to the same pay as an enlisted man of corresponding grade in the Regular Army, at a rate equal to twenty-five per centum of the initial pay now provided by law for enlisted men of corresponding grades of the Regular Army: *Provided*, That such enlisted man shall receive the compensation herein provided if he shall have attended not less than forty-eight regular drills during any one year, and a proportionate amount for attendance upon a lesser number of such drills, not less than twenty-four; and no such enlisted man shall receive any part of said compensation except as authorized by this proviso and the three provisos next following: *Provided further*, That the compensation provided herein shall be computed for semiannual periods, beginning the first day of January and the first day of July of each year, in proportion to the number of drills attended; and no compensation shall be paid to any enlisted man for the first semiannual period of any year unless he shall have attended during said period at least twenty-four drills, but any lesser number of drills attended during said period shall be reckoned with the drills attended during the second semiannual period in computing the compensation, if any, due him for that year.—*Ibid.*

704. Active service pay; when to commence.—When the militia is called into the actual service of the United States, or any portion of the militia is called forth under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous, but this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such place of rendezvous.—*Sec. 11, act of May 27, 1908 (35 Stat., 401).*

705. Officers detailed as assistants to Chief of Militia Bureau.—The President may, in his discretion, assign to duty in the Militia Bureau as assistants to the chief thereof not to exceed one colonel and one lieutenant colonel of the National Guard, for terms of four years, and any such officer while so assigned shall, subject to such regulations as the President may prescribe, receive out of the whole fund appropriated for the support of the militia the pay and allowances of a Regular Army officer having the same rank and length of service as said National Guard officer, whose prior service in the Organized Militia shall be counted in ascertaining his rights under this proviso.—*Act of June 3, 1916 (39 Stat., 203)*.

706. Stoppages; property lost or destroyed.—Stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.—*Sec. 110, act of June 3, 1916 (39 Stat., 210)*.

707. Persons not entitled to pay.—Except as otherwise specifically provided herein, no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over sixty-four years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments, hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of such State, Territory, or District.—*Ibid.*

708. Payment of men enlisted by States up to time of muster.—That nothing in this act or previous acts of Congress shall be construed to prohibit the paying of men enlisted by State authorities of any State for militia organization for the purpose of bringing said organization up to the minimum necessary to permit of the muster in of said organization, from the date of such enlistments to the date of muster in or from date of enlistment to date of rejection, after physical examination.—*Act of Aug. 29, 1916 (39 Stat., 624)*.

PROPERTY AND DISBURSING OFFICERS.

709. Appointment of; general duties.—The governor of each State and Territory and the commanding general of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretary of War, an officer of the National Guard of the State, Territory, or District of Columbia who shall be regarded as property and disbursing officer for the United States. He shall receipt and account for all funds and property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War.—*Sec. 67, act of June 3, 1916 (39 Stat., 200)*.

710. Payments to, on requisitions.—The Secretary of War is authorized, on the requisition of the governor of a State or Territory or the commanding gen-

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eral of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof so much of its allotment out of the annual appropriation for the support of the National Guard as shall, in the judgment of the Secretary of War, be necessary for the purposes enumerated therein.—*Ibid.*

711. Accounting for funds; bond required.—He shall render, through the War Department, such accounts of Federal funds intrusted to him for disbursement as may be required by the Treasury Department. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretary of War, for the faithful performance of his duties and for the safe-keeping and proper disposition of the Federal property and funds intrusted to his care.—*Ibid.*

712. Bonds not required; when.—Officers of the Organized Militia who may hereafter be furnished, under proper authority, with funds for the purchase of coffee or other components of the travel ration for the use of their respective commands, shall not be required to furnish bonds for the safe-keeping and disbursement of the same.—*Act of May 11, 1908 (35 Stat., 117).*

713. Pay of, from general fund.—He shall, after having qualified as property and disbursing officer, receive pay for his services at a rate to be fixed by the Secretary of War, and such compensation shall be a charge against the whole sum annually appropriated for the support of the National Guard.—*Sec. 67, act of June 3, 1916 (39 Stat., 200).*

714. Traveling expenses.—When traveling in the performance of his official duties under orders issued by the proper authorities he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment of the State, Territory, or District of Columbia.—*Ibid.*

715. Inspection of accounts; how often.—The Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an inspector general of the Army at least once each year.—*Ibid.*

716. Rules, etc., to be made by Secretary of War.—The Secretary of War is empowered to make all rules and regulations necessary to carry into effect the provisions of this section.—*Ibid.*

SALES TO.

717. Authority for.—Whenever it shall be shown to the satisfaction of the Secretary of War that the National Guard of any State, Territory, or the District of Columbia, is properly organized, armed, and equipped for field service, funds allotted to that State, Territory, or District for the support of its National Guard may be used for the purchase, from the War Department, of any article issued by any of the supply departments of the Army.—*Sec. 83, act of June 3, 1916 (39 Stat., 204).*

718. Cash purchases from Army stores.—Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department for the use of the National Guard, including the officers thereof, any stores, supplies, matériel of war, and military publications

furnished to the Army, in addition to those issued under the provisions of this act, at the price at which they shall be listed to the Army, with cost of transportation added. The funds received from such sale shall be credited to the appropriation to which they shall belong, shall not be covered into the Treasury, and shall be available until expended to replace therewith the supplies sold to the States in the manner herein authorized.—*Sec. 86, ibid.*

719. May be requisitioned in time of war.—Stores, supplies, and matériel of war so purchased by a State, Territory, or the District of Columbia may, in time of actual or threatened war, be requisitioned by the United States for use in the military service thereof, and when so requisitioned by the United States and delivered credit for the ultimate return of such property in kind shall be allowed to such State, Territory, or the District of Columbia.—*Ibid.*

720. Net proceeds of sales of condemned stores; disposition of.—The net proceeds of the sale of condemned stores issued to the National Guard and not charged to State allotments shall be covered into the Treasury of the United States, as shall also stoppages against officers and enlisted men, and the net proceeds of collections made from any person to reimburse the Government for the loss, damage, or destruction of said property not charged against the State allotment issued for the use of the National Guard.—*Sec. 88, ibid., p. 205.*

NATIONAL GUARD RESERVE.

721. Organization of.—Subject to such rules and regulations as the President may prescribe, a National Guard Reserve shall be organized in each State, Territory, and the District of Columbia, and shall consist of such organizations, officers, and enlisted men as the President may prescribe, or members thereof may be assigned as reserves to an active organization of the National Guard.—*Sec. 78, act of June 3, 1916 (39 Stat., 202).*

722. Pay when in active training.—Members of said reserve, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as enlisted men of like grade on the active list of said guard when likewise engaged: *Provided further*, That, except as otherwise specifically provided in this act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes.—*Ibid.*

723. Reserve battalions for recruit training in time of war.—When members of the National Guard and the enlisted reserve thereof of any State, Territory, or the District of Columbia shall have been brought into the service of the United States in time of war, there shall be immediately organized, either from such enlisted reserve or from the unorganized militia, in such State, Territory, or District, one reserve battalion for each regiment of Infantry or Cavalry, or each nine batteries of Field Artillery, or each twelve companies of Coast Artillery, brought into the service of the United States, and such reserve battalion shall constitute the fourth battalion of any such regiment or twelve companies of Coast Artillery. Reserve battalions shall consist of four companies of such strength as may be prescribed by the President of the United States. When the members of three or more regiments of the National Guard of any State, Territory, or District shall have been brought into the service of the United States, the reserve battalions of such regiments may be organized into provisional regiments and higher units. If for any reason there shall not be

enough voluntary enlistments to keep the reserve battalions at the prescribed strength, a sufficient number of the unorganized militia shall be drafted into the service of the United States to maintain each of such battalions at the proper strength. As vacancies occur from death or other causes in any organization in the service of the United States and composed of men taken from the National Guard, men shall be transferred from the reserve battalions to the organizations in the field so that such organizations may be maintained at war strength. Officers for the reserve battalions provided for herein shall be drafted from the National Guard Reserve or Coast Artillery companies of the National Guard or the Officers' Reserve Corps, such officers to be taken, if practicable, from the States, respectively, in which the battalions shall be organized. Officers and noncommissioned officers returned to their home stations because of their inability to perform active field service may be assigned to reserve battalions for duty, and all soldiers invalided home shall be assigned to and carried on the rolls of reserve battalions until returned to duty or until discharged.—*Sec. 79, ibid.*

TRAVEL ALLOWANCE.

724. Nothing contained in the act making appropriations for the support of the Army for the fiscal year nineteen hundred and seventeen shall be construed as precluding the payment of travel allowance as provided in section one hundred and twenty-six of the act approved June third, nineteen hundred and sixteen, to enlisted men of the National Guard on their discharge from the service of the United States and the appropriation for the transportation of the Army and its supplies for the fiscal year nineteen hundred and seventeen shall be available for this purpose and also for the purpose of paying travel pay to officers of the National Guard on their discharge from the service of the United States as prescribed in the act approved March second, nineteen hundred and one.—*Act of Sept. 8, 1916 (39 Stat., 810).*

OFFICERS' RESERVE CORPS.

725. *Composition and object of.*—For the purpose of securing a reserve of officers available for service as temporary officers in the Regular Army, as provided for in this act and in section eight of the act approved April twenty-fifth, nineteen hundred and fourteen (38 Stat., 349), as officers of the Quartermaster Corps and other staff corps and departments, as officers for recruit rendezvous and depots, and as officers of volunteers, there shall be organized, under such rules and regulations as the President may prescribe not inconsistent with the provisions of this act, an Officers' Reserve Corps of the Regular Army. Said corps shall consist of sections corresponding to the various arms, staff corps, and departments of the Regular Army. Except as otherwise herein provided, a member of the Officers' Reserve Corps shall not be subject to call for service in time of peace, and whenever called upon for service shall not, without his consent, be so called in a lower grade than that held by him in said reserve corps.—*Sec. 37, act of June 3, 1916 (39 Stat., 189).*

726. *President alone authorized to appoint and commission civilians as reserve officers up to grade of major.*—The President alone shall be authorized to appoint and commission as reserve officers in the various sections of the Officers' Reserve Corps, in all grades up to and including that of major, such citizens as, upon examination prescribed by the President, shall be found physically, mentally, and morally qualified to hold such commission.—*Ibid.*

727. Proportion of officers in any section not to exceed same grade in Regular Army.—The proportion of officers in any section of the Officers' Reserve Corps shall not exceed the proportion for the same grade in the corresponding arm, corps, or department of the Regular Army, except that the number commissioned in the lowest authorized grade in any section of the Officers' Reserve Corps shall not be limited.—*Ibid.*

728. Persons registered as qualified under act of January 21, 1903, to be eligible for appointment for three years.—All persons now carried as duly qualified and registered pursuant to section twenty-three of the act of Congress approved January twenty-first, nineteen hundred and three (32 Stat., 779), shall, for a period of three years after the passage of this act, be eligible for appointment in the Officers' Reserve Corps in the section corresponding to the arm, corps, or department for which they have been found qualified, without further examination, except a physical examination, and subject to the limitations as to age and rank herein prescribed.—*Ibid.*

729. Persons qualified for grade of lieutenant colonel or colonel to be appointed as such; grade to cease when they become separated from the service.—Any person carried as qualified and registered in the grade of colonel or lieutenant colonel pursuant to the provisions of said act on the date when this act becomes effective may be commissioned and recommissioned in the Officers' Reserve Corps with the rank for which he has been found qualified and registered, but when such person thereafter shall become separated from the Officers' Reserve Corps for any reason the vacancy so caused shall not be filled, and such office shall cease and determine.—*Ibid.*

730. Same—When called to service in a lower grade.—That the second proviso of section thirty-seven of the act of June third, nineteen hundred and sixteen, entitled, "An act for making further and more effectual provision for the national defense, and for other purposes," be amended as follows: *Provided*, That any person who on June third, nineteen hundred and sixteen, was carried as qualified and registered in the grade of colonel or lieutenant colonel pursuant to the provisions of the act of January twenty-first, nineteen hundred and three, or any person holding a commission as colonel or lieutenant colonel in the National Guard of any State, Territory or the District of Columbia on June third, nineteen hundred and sixteen, who has served satisfactorily as such in the service of the United States under the call of May ninth, nineteen hundred and sixteen, or that of June eighteenth, nineteen hundred and sixteen, may be commissioned or recommissioned in the Officers' Reserve Corps with rank for which he had been found qualified and registered, or which he held in the National Guard on June third, nineteen hundred and sixteen, or while in the service of the United States; but when such person shall become thereafter separated from the Officers' Reserve Corps for any reason, the vacancy so caused shall not be filled and such office shall cease and determine: *Provided further*, That any officer of the Officers' Reserve Corps called for service with his consent in a lower grade than that held by him in said Reserve Corps shall, subject to such physical examination as may be prescribed, be considered eligible for recommission in such lower grade.—*Act of May 12, 1917 (40 Stats., 73).*

731. Age limit for appointment in and discharge of officers after having passed such limit.—No person shall, except as hereinafter provided, be appointed or reappointed a second lieutenant in the Officers' Reserve Corps after he shall

have reached the age of thirty-two years, a first lieutenant after he shall have reached the age of thirty-six years, a captain after he shall have reached the age of forty years, or a major after he shall have reached the age of forty-five years.—*Sec. 37, act of June 3, 1916 (39 Stat., 189).*

782. Not to be discharged during present emergency.—During the existing emergency no member of the Officers' Reserve Corps shall be discharged by reason of reaching the age limits provided in section thirty-seven of the national-defense act approved June third, nineteen hundred and sixteen.—*Act of Oct. 6, 1917 (40 Stats., 393).*

783. Age of officers not to apply to appointment or reappointment in certain staff departments.—Nothing in the foregoing provisions as to the ages of officers shall apply to the appointment or reappointment of officers of the Quartermaster, Engineer, Ordnance, Signal, Judge Advocate, and Medical sections of said Reserve Corps.—*Sec. 37, act of June 3, 1916 (39 Stats., 190).*

784. Medical Reserve Corps to cease one year after passage of act; officers of may be commissioned in Officer' Reserve Corps.—One year after the passage of this act the Medical Reserve Corps, as now constituted by law, shall cease to exist. Members thereof may be commissioned in the Officers' Reserve Corps, subject to the provisions of this act, or may be honorably discharged from the service.—*Ibid.*

785. First lieutenants of the medical section, may be assigned to active duty in time of peace; pay and allowances of.—The Secretary of War may, in time of peace, order first lieutenants of the medical section of the Officers' Reserve Corps, with their consent, to active duty in the service of the United States in such numbers as the public interests may require and the funds appropriated may permit, and may relieve them from such duty when their services are no longer necessary. While on such duty they shall receive the pay and allowances, including pay for periods of sickness and leaves of absence, of officers of corresponding rank and length of active service in the Regular Army.—*Ibid.*

786. Commissions to be in force for a period of five years; may be recommissioned for successive periods in same or higher grades.—The commissions of all officers of the Officers' Reserve Corps shall be in force for a period of five years unless sooner terminated in the discretion of the President. Such officers may be recommissioned, either in the same or higher grades, for successive periods of five years, subject to such examinations and qualifications as the President may prescribe and to the age limits prescribed herein.—*Ibid.*

787. Rank of officers in various sections to be according to grades and length of service.—Officers of the Officers' Reserve Corps shall have rank therein in the various sections of said reserve corps according to grades and to length of service in their grades.—*Ibid.*

788. The Officers' Reserve Corps in war—Assignment to duty, rank, pay, etc.—In time of actual or threatened hostilities the President may order officers of the Officers' Reserve Corps, subject to such subsequent physical examinations as he may prescribe, to temporary duty with the Regular Army in grades thereof which can not, for the time being, be filled by promotion, or as officers in volunteer or other organizations that may be authorized by law, or as

officers at recruit rendezvous and depots, or on such other duty as the President may prescribe. While such reserve officers are on such service they shall, by virtue of their commissions as reserve officers, exercise command appropriate to their grade and rank in the organizations to which they may be assigned, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of active service, as allowed by law for officers of the Regular Army, from the date upon which they shall be required by the terms of their orders to obey the same.—*Sec. 38, ibid, 190.*

739. Officers ordered to active service to take temporary rank, according to date of assignment; promotion to vacancies in volunteers and temporary vacancies in Regular Army.—Officers so ordered to active service shall take temporary rank among themselves, and in their grades in the organizations to which assigned, according to the dates of orders placing them on active service; and they may be promoted, in accordance with such rank, to vacancies in Volunteer organizations or to temporary vacancies in the Regular Army thereafter occurring in the organizations in which they shall be serving.—*Ibid.*

740. Officers of not entitled to retirement or retired pay; pensionable status.—Officers of the Officers' Reserve Corps shall not be entitled to retirement or retired pay, and shall be entitled to pension only for disability incurred in the line of duty and while in active service.—*Ibid.*

741. Subject to rules and articles of war when ordered to active service.—Any officer who, while holding a commission in the Officers' Reserve Corps, shall be ordered to active service by the Secretary of War shall, from the time he shall be required by the terms of his order to obey the same, be subject to the laws and regulations for the government of the Army of the United States, in so far as they are applicable to officers whose permanent retention in the military service is not contemplated.—*Ibid. 191.*

742. Instruction of officers of the Officers' Reserve Corps—May be ordered to duty with troops, etc., for instruction.—To the extent provided for from time to time by appropriations for this specific purpose the Secretary of War is authorized to order reserve officers to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year, and while so serving such officers shall receive the pay and allowances of their respective grades in the Regular Army.—*Sec. 39, Ibid, p. 191.*

743. Period of instruction may be extended with consent of reserve officers.—With the consent of the reserve officers concerned and within the limits of funds available for the purpose, such periods of duty may be extended for reserve officers as the Secretary of War may direct.—*Ibid.*

744. Appointment of reserve officers to active duty in time of war before appointment of Volunteers.—In time of actual or threatened hostilities, after all available officers of any section of the Officers' Reserve Corps corresponding to any arm, corps, or department of the Regular Army shall have been ordered into active service, officers of Volunteers may be appointed in such arm, corps, or department as may be authorized by law.—*Ibid.*

745. Appointment of officers of Regular Army as officers of Volunteers.—Nothing herein shall operate to prevent the appointment of any officer of

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the Regular Army as an officer of Volunteers before all the officers of the Officers' Reserve Corps or any section thereof shall have been ordered into active service.—*Ibid.*

746. Relative rank and right of retirement of officers of Regular Army not affected by active service in.—In determining the relative rank and the right to retirement of an officer of the Regular Army, active duty performed by him while serving in the Officers' Reserve Corps shall not be reckoned.—*Ibid.*

747. Gratuitous service of members permissible.—That section three of the act approved February twenty-seventh, nineteen hundred and six, entitled, "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and six, and for prior years and for other purposes," shall not be construed to prohibit the Secretary of War from accepting the gratuitous services of members of the Officers' Reserve Corps of the Army in the furtherance of the enrollment, organization, and training of the Officers' Reserve Corps, the Reserve Officers' Training Corps, or the Enlisted Reserve Corps of the Army or in consultation upon matters relating to the military service.—*Act of May 12, 1917 (40 Stat., 72).*

RESERVE OFFICERS' TRAINING CORPS.

748. Senior and junior divisions to be organized at certain universities and colleges.—The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including State universities and those State institutions that are required to provide instruction in military tactics under the provisions of the act of Congress of July second, eighteen hundred and sixty-two, donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, except that units of the senior division may be organized at those essentially military schools which do not confer an academic degree but which, as a result of the annual inspection of such institutions by the War Department, are specially designated by the Secretary of War as qualified for units of the senior division, and each division shall consist of units of the several arms or corps in such number and of such strength as the President may prescribe.—*Sec. 40, June 3, 1916 (39 Stat., 191).*

749. Units may be established on applications of any qualified State institution.—The President may, upon the application of any State institution described in section forty of this act, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps.—*Sec. 41 ibid.*

750. Units not to be established until an officer of the Army has been detailed as professor of military science and tactics.—No such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least one hundred physically fit male students.—*Ibid.*

751. Establishment of units at qualified institutions, other than State institutions, maintaining a two years' course of military training.—The President

may, upon the application of any established educational institution in the United States other than a State institution described in section forty of this act, the authorities of which agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps.—*Sec. 42, ibid.*

752. *Units not to be established until an officer of the Army has been detailed as professor of military science and tactics.*—No such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least one hundred physically fit male students.—*Ibid., 192.*

753. *Courses of training for the units to be prescribed by Secretary of War.*—The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of the senior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the senior division or to devote at least an average of three hours per week per academic year to such military training; and no unit of the junior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the junior division, or to devote at least an average of three hours per week per academic year to such military training.—*Sec. 43, ibid., 192.*

754. *Eligibility for membership in as to age, citizenship, etc.*—Eligibility to membership in the Reserve Officers' Training Corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States, who are not less than fourteen years of age, and whose bodily condition indicates that they are physically fit to perform military duty, or will be so upon arrival at military age.—*Sec. 44, ibid.*

755. *Detail of active or retired officers as professors of military science and tactics; rank, pay, term of service, conditions, etc.*—The President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed three hundred, and no active officer shall be so detailed who has not had five years' commissioned service in the Army. In time of peace retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail of officers on the active list of the Regular Army under the provisions of this section shall extend for more than four years.—*Sec. 45, ibid.*

756. Detail of enlisted men, active, retired, or reservists.—The President is hereby authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired or of the Regular Army Reserve, as he may deem necessary, but the number of active noncommissioned officers so detailed shall not exceed five hundred, and all active noncommissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the Army. Retired enlisted men or members of the Regular Army Reserve shall not be detailed under the provisions of this section without their consent. While so detailed they shall receive active pay and allowances.—*Sec. 46, ibid.*

757. Supplies for issue to instruction camps of educational institutions, where an officer has been detailed as professor of military science and tactics.—The Secretary of War is authorized to issue, at his discretion and under such regulations as he may prescribe, such quartermaster supplies and stores belonging to the Government, and which can be spared for that purpose, as may appear to be required for the establishment and maintenance of military instruction camps by the students of any educational institution to which an officer of the Army is detailed as professor of military science and tactics, and the Secretary of War shall require a bond in each case in the value of the property for the care and safe-keeping thereof and for the return of the same when required.—*Act of May 18, 1916 (39 Stat., 123).*

NOTE.—Supplies to educational institutions are now being furnished under sections 47 and 56, act of June 3, 1916.

ISSUE OF SUPPLIES.

758. Issue of public animals, arms, uniforms, equipment, and means of transportation, and to forage public animals so issued, to institutions with established units.—The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, and for its return when required.—*Sec. 47, act of June 3, 1916 (39 Stat., 192).*

759. Issue of military equipment to other schools and colleges, and detail of instructors thereat.—Such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges, other than those provided for in section forty-seven of this act, having a course of military training prescribed by the Secretary of War and having not less than one hundred physically fit male students above the age of fourteen years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized to detail such commissioned and noncommissioned officers of the Army to said schools and colleges, other than those provided for in sections forty-five and forty-six of this act, detailing not less than one such officer or noncommissioned officer to each five hundred students under military instruction.—*Sec. 56, ibid., 197.*

760. Commutation to institutions furnishing own uniforms.—That the Secretary of War, in his discretion, and under such regulations as he may pre-

scribe, permit such institutions to furnish their own uniforms and receive as commutation therefor the sum allotted by the Secretary of War to such institutions for uniforms.—*Act of May 12, 1917 (40 Stat., 71).*

761. Camps for additional training; period of encampment, transportation, subsistence, etc.—The Secretary of War is hereby authorized to maintain camps for the further, practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a period longer than six weeks in any one year, except in time of actual or threatened hostilities; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit; to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit; to use the Regular Army, such other military forces as Congress from time to time authorizes, and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps; and to authorize, in his discretion, the formation of company units thereof into battalion and regimental units.—*June 3, 1916 (39 Stat., 193), Sec. 48.*

762. Appointments of qualified graduates in the Officers' Reserve Corps to be made by the President; conditions.—The President alone, under such regulations as he may prescribe, is hereby authorized to appoint in the Officers' Reserve Corps any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in section fifty of this act, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in section fifty of this act, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of twenty-one years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army during a period of at least ten years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority; but the total number of reserve officers so appointed shall not exceed fifty thousand.—*Sec. 49, ibid.*

763. Qualified graduates not eligible for appointment while undergoing postgraduate course.—Any graduate qualified under the provisions of this section undergoing a postgraduate course at any institution shall not be eligible for appointment as a reserve officer while undergoing such postgraduate course, but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course.—*Ibid.*

764. Commutation of subsistence for remainder of course may be furnished to members who have completed two years of training.—When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for further training by the president of the institution and by its professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course in the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the courses in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States,

774. Travel allowance.—That so much of section fifty-four of the act of June third, nineteen hundred and sixteen, entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," as relates to the transportation of citizens who, conformably to such regulations as the Secretary of War may prescribe, attend training camps be, and the same is hereby amended so as to provide that said citizens shall be paid as traveling allowances three and one-half cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto: *Provided further*, That the payment of travel pay for the return journey may be made in advance of the actual performance of travel.—*Act of May 12, 1917 (40 Stat., 70)*.

775. Pay of candidates, Officers' Reserve Corps, during training.—That the Secretary of War is hereby authorized out of this appropriation to pay to persons designated by him for training as officers in the Army during the period of their training the sum of not to exceed \$100 per month in addition to the allowances authorized by said section fifty-four: *Provided*, That they shall agree to accept appointment in the Officers' Reserve Corps in such grade as may be tendered by the Secretary of War.—*Act of May 12, 1917 (40 Stat., 70)*.

776. Appropriation for maintenance of camps on military reservations, etc., for training civilians.—To provide for the expense of maintaining, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, under such regulations as may be prescribed by the Secretary of War, and to furnish to said citizens the subsistence, transportation, and uniforms authorized by the act of Congress approved June third, nineteen hundred and sixteen, * * * .—*Act of Aug. 29, 1916 (39 Stat., 648)*.

RIFLE RANGES FOR CIVILIAN INSTRUCTION.

777. Secretary of War to submit estimates.—The Secretary of War shall annually submit to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such a comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all sections of the country.—*Sec. 113, act of June 3, 1916 (39 Stat., 211)*.

778. Who may participate.—All ranges so established and all ranges which may have already been constructed, in whole or in part, with funds provided by Congress shall be open for use by those in any branch of the military or naval service of the United States and by all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War.—*Ibid*.

779. Same.—That all home guards, State troops, and militia receiving arms and equipments as herein provided shall have the use, in the discretion of the Secretary of War and under such regulations as he may prescribe, of rifle ranges owned or controlled by the United States of America.—*Act of June 14, 1917 (40 Stat., 181)*.

780. Instructors, arms, etc., to be furnished.—That the President may detail capable officers and noncommissioned officers of the Regular Army and National Guard to duty at such ranges as instructors for the purpose of training

the citizenry in the use of the military arm. Where rifle ranges shall have been so established and instructors assigned to duty thereat, the Secretary of War shall be authorized to provide for the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such rifle practice.—*Sec. 113, act of June 3, 1916 (39 Stat., 211).*

781. Establishment and maintenance of, appropriation for.—To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for Promotion of Rifle Practice and approved by the Secretary of War; to provide standard military arms and ammunition, indoor gallery rifles and ammunition; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for prizes, trophies, badges, and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, to be expended under the direction of the Secretary of War and to remain available until expended.—*Act of Aug. 29, 1916 (39 Stat., 648). See also annual appropriation acts.*

782. Director of civilian marksmanship.—The President be, and he is hereby authorized, in his discretion, to appoint, as director of civilian marksmanship, under the direction of the Secretary of War, an officer of the Army or of the Marine Corps.—*Ibid.*

NATIONAL RIFLE MATCH.

783. Annual appropriation for.—The sum of * * * is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the Organized Militia who may be competitors in the national rifle match.—*Annual appropriation acts.*

784. Amount allowed for meals or commutation of rations to competitors.—No competitor shall be entitled to commutation of rations in excess of one dollar and fifty cents per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred.—*Annual appropriation acts.*

785. Payment of transportation of teams authorized to participate in.—For the payment of transportation of teams authorized by the Secretary of War to participate in the national matches, sixty thousand dollars: *Provided*, That this amount shall be proportioned among the several States, Territories, and the District of Columbia, according to the distance from the seat of government to the place where the national matches are to be held: *And provided further*, That the governors of the States or Territories or the Board of Commissioners of the District of Columbia may designate which team or teams shall attend, from their respective States, Territories, or District of Columbia.—*Act of Aug. 29, 1916 (39 Stat., 648).*

NOTE.—Bulletin No. 37, War Department, 1916, authorizes the attendance of civilian teams at national rifle matches.

REGULAR ARMY RESERVE.

786. Composition of.—The Regular Army Reserve shall consist of, first, all enlisted men now in the Army Reserve or who shall hereafter become mem-

bers of the Army Reserve under the provisions of existing law; second, all enlisted men furloughed to or enlisted in the Regular Army Reserve under the provisions of this act; and, third, any person holding an honorable discharge from the Regular Army with character reported at least good who is physically qualified for the duties of a soldier and not over forty-five years of age who enlists in the Regular Army Reserve for a period of four years.—*Sec. 30, act of June 3, 1916 (39 Stat., 187).*

NOTE.—The Army Reserve, which is by above section embodied in the Regular Army Reserve, existed under the following provision of law: "Hereafter the Army Reserve shall consist of all enlisted men who, after having served not less than four years with the organizations of which they form a part, shall receive furloughs without pay and allowances until the expiration of their terms of enlistment."—*Sec. 2, act of Aug. 24, 1912 (37 Stat., 590).*

787. Organization, training, mobilization, etc.—The President is authorized to assign members of the Regular Army Reserve as reserves to particular organizations of the Regular Army, or to organize the Regular Army Reserve, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps herein provided for; and he may summon the Regular Army Reserve or any part thereof for field training for a period not exceeding fifteen days in each year, the reservists to receive travel expenses and pay at the rate of their respective grades in the Regular Army during such periods of training; and in the event of actual or threatened hostilities he may mobilize the Regular Army Reserve in such manner as he may determine, and thereafter retain it, or any part thereof, in active service for such period as he may determine the conditions demand.—*Sec. 31, ibid.*

788. Enlistments in the Regular Army and in Regular Army Reserve, in force at outbreak of war, to continue for one year.—All enlistments in the Regular Army, including those in the Regular Army Reserve, which are in force on the date of the outbreak of war shall continue in force for one year, unless sooner terminated by order of the Secretary of War, but nothing herein shall be construed to shorten the time of enlistment prescribed.—*Ibid.*

789. Annual rate of pay for members.—Subject to such regulations as the President may prescribe for their proper identification, and location, and physical condition, the members of the Regular Army Reserve shall be paid semi-annually at the rate of twenty-four dollars a year while in the reserve.—*Ibid.*

790. Active-service pay.—When mobilized by order of the President, the members of the Regular Army Reserve shall, so long as they may remain in active service, receive the pay and allowances of enlisted men of the Regular Army of like grades.—*Sec. 32, ibid.*

791. Continuous-service pay during active service.—Any enlisted man who shall have reenlisted in the Regular Army Reserve shall receive during such active service the additional pay now provided by law for enlisted men in his arm of the service in the second enlistment period.—*Ibid.*

792. Commutation of quarters, heat, and light.—For commutation of quarters and of heat and light to * * * enlisted men of the Regular Army Reserve * * * when ordered to active duty.—*See annual appropriation acts.*

793. Bounty of reservists upon reporting for active duty.—Upon reporting for duty, and being found physically fit for service, members of the Regular Army Reserve shall receive a sum equal to \$3 per month for each month during which they shall have belonged to the reserve, as well as the actual necessary cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty under such summons.—*Sec. 32, act of June 3, 1916 (39 Stat., 188).*

794. Not entitled to retirement or retired pay; pensionable status.—Service in the Regular Army Reserve shall confer no right to retirement or retired pay, and members of the Regular Army Reserve shall become entitled to pension only through disability incurred while on active duty in the service of the United States.—*Ibid.*

795. Use of Government employees of departments for paying, mobilizing, etc.—The President may, subject to such rules and regulations as in his judgment may be necessary, utilize the services of members and employees of all departments of the Government of the United States, without expense to the individual reservist, for keeping in touch with, paying, and mobilizing the Regular Army Reserve, the Enlisted Reserve Corps, and other reserve organizations.—*Sec. 33, ibid.*

ENLISTED RESERVE CORPS.

796. Enlisted reserve for staff departments.—For the purpose of securing an additional reserve of enlisted men for military service with the Engineer, Signal, and Quartermaster Corps and the Ordnance and Medical Departments of the Regular Army, an Enlisted Reserve Corps, to consist of such number of enlisted men of such grade or grades as may be designated by the President from time to time, is hereby authorized, such authorization to be effective on and after the first day of July, nineteen hundred and sixteen.—*Sec. 55, act of June 3, 1916 (39 Stat., 195).*

797. Qualifications for enlistment, issuance of certificates of enlistment, rights conferred, etc.—For the purpose of securing an additional reserve of enlisted men for military service with the Engineer, Signal, and Quartermaster Corps and the Ordnance and Medical Departments of the Regular Army, an Enlisted Reserve Corps, to consist of such number of enlisted men of such grade or grades as may be designated by the President from time to time, is hereby authorized, such authorization to be effective on and after the first day of July, nineteen hundred and sixteen.

There may be enlisted in the grade or grades hereinbefore specified, for a period of four years, under such rules as may be prescribed by the President, citizens of the United States, or persons who have declared their intentions to become citizens of the United States, subject to such physical, educational, and practical examination as may be prescribed in said rules. For men enlisting in said grade or grades certificates of enlistment in the Enlisted Reserve Corps shall be issued by The Adjutant General of the Army, but no such man shall be enlisted in said corps unless he shall be found physically, mentally, and morally qualified to hold such certificate and unless he shall be between the ages of eighteen and forty-five years. The certificates so given shall confer upon the holders when called into active service or for purposes of instruction and training, and during the period of such active service, instruction, or training, all the authority, rights, and privileges of like grades of the Regular Army. Enlisted men of the Enlisted Reserve Corps shall take precedence in

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said corps according to the dates of their certificates of enlistment therein and when called into active service or when called out for purposes of instruction or training shall take precedence next below all other enlisted men of like grades in the Regular Army.—*Ibid.*

798. Rosettes or knots to be issued to members and to persons attending at least one encampment for military instruction of citizens.—And the Secretary of War is hereby authorized to issue to members of the Enlisted Reserve Corps and to persons who have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, distinctive rosettes or knots designed for wear with civilian clothing, and whenever a rosette or knot issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use without fault or neglect upon the part of the person to whom it is issued, the Secretary of War shall cause a new rosette or knot to be issued to such person without charge therefor.—*Ibid.*

799. Penalty for wearing rosette or knot when not entitled thereto.—Any person who is not an enlisted man of the Enlisted Reserve Corps and shall not have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, and who shall wear such rosette or knot shall be guilty of misdemeanor punishable by a fine of not exceeding \$300, or imprisonment not exceeding six months, or both.—*Ibid.*

800. Assignment of members to organizations of the Regular Army, etc.—The President is authorized to assign members of the Enlisted Reserve Corps as reserves to particular organizations of the Regular Army, or to organize the Enlisted Reserve Corps, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps, herein provided for.—*Ibid.*

801. May be ordered to active service annually for purpose of instruction or training.—To the extent provided from time to time by appropriations the Secretary of War may order enlisted men of the Enlisted Reserve Corps to active service for purposes of instruction or training for periods not to exceed fifteen days in any one calendar year: *Provided*, That, with the consent of such enlisted men and within the limits of funds available for such purposes, such periods of active service may be extended for such number of enlisted men as may be deemed necessary.—*Ibid.*

802. Pay and allowances while in active service.—Enlisted men of the Enlisted Reserve Corps shall receive the pay and allowances of their respective grades, but only when ordered into active service, including the time required for actual travel from their homes to the places to which ordered and return to their homes.—*Ibid.*, p. 196.

803. Not entitled to retirement or retired pay; pensionable status.—Said enlisted men shall not be entitled to retirement or retirement pay, nor shall they be entitled to pensions except for physical disability incurred in line of duty while in active service or while travelling under orders of competent authority to or from designated places of duty.—*Ibid.*

804. Uniform to be same as for enlisted men of Regular Army and to be issued in kind.—The uniform to be worn by enlisted men of the Enlisted Reserve Corps, except corps insignia, shall be the same as prescribed for enlisted men of the Regular Army Reserve, and that in lieu of any money allowance for clothing there shall be issued to each enlisted man of the Enlisted Reserve Corps in time of peace such articles of clothing and equipment as the President may direct.—*Ibid.*

805. Clothing or other equipment to remain property of United States.—Any clothing or other equipment issued to any enlisted man of the said corps shall remain the property of the United States, and in case of loss or destruction of any article, the article so lost or destroyed shall be replaced by issue to the enlisted man and the value thereof deducted from any pay due or to become due him, unless it shall be made to appear that such loss or destruction was not due to neglect or other fault on his part.—*Ibid.*

806. Unserviceable clothing and equipment to be replaced.—Any clothing or other equipment issued to enlisted men of the Enlisted Reserve Corps which shall have become unserviceable through ordinary wear and tear in the service of the United States shall be received back by the United States and serviceable like articles issued in lieu thereof.—*Ibid.*

807. Arms, clothing, etc., issued, to be accounted for on discharge.—When enlisted men of the Enlisted Reserve Corps shall be discharged or otherwise separated from the service, all arms, equipage, clothing, and other property issued to them shall be accounted for under such regulations as may be prescribed by the Secretary of War.—*Ibid.*

808. Enlisted men ordered to active duty subject to rules and Articles of War.—Any enlisted man of the Enlisted Reserve Corps ordered to active service or for purposes of instruction or training shall, from the time he is required by the terms of the order to obey the same, be subject to the laws and regulations for the government of the Army of the United States.—*Ibid.*

809. May be discharged when services are no longer required or for misconduct.—The Secretary of War is hereby authorized to discharge any enlisted member of the Enlisted Reserve Corps when his services shall be no longer required, or when he shall have by misconduct unfitted himself for further service in the said corps.—*Ibid.*

810. To forfeit certificate of enlistment for failure to comply with order assigning to active duty.—Any enlisted man of said corps who shall be ordered upon active duty as herein provided and who shall willfully fail to comply with the terms of the order so given him shall, in addition to any other penalty to which he may be subject, forfeit his certificate of enlistment.—*Ibid.*

811. May be ordered to active duty in time of threatened or actual hostilities.—In time of actual or threatened hostilities the President may order the Enlisted Reserve Corps, in such numbers and at such times as may be considered necessary, to active service with the Regular Army, and while on such service members of said corps shall exercise command appropriate to their several grades and rank in the organizations to which they shall be assigned and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for the Regular Army.—*Ibid.*

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812. *May be mustered into the Volunteer service with grades held in said corps; pay, allowances, etc.*—Upon a call by the President for a volunteer force the members of the Enlisted Reserve Corps may be mustered into the service of the United States as volunteers for duty with the Army in the grades held by them in the said corps, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service, as now provided by law for the Regular Army.—*Ibid.*

813. *Certificate of enlistment does not give vested right to be mustered into Volunteer service of the United States.*—Enlisted men of the Enlisted Reserve Corps shall not acquire by virtue of issuance of certificates of enlistment to them a vested right to be mustered into the Volunteer service of the United States.—*Ibid.*

UNITED STATES DISCIPLINARY BARRACKS.

814. *Establishment of.*—The United States Military Prison, Fort Leavenworth, Kansas, shall hereafter be known as the United States Disciplinary Barracks.—*Sec. 2, act of Mar. 4, 1915 (38 Stat., 1084).*

815. *Criminals convicted by courts-martial, etc., to be confined in Federal, State, etc., penitentiaries; confinement in disciplinary barracks.*—Persons sentenced to confinement upon conviction by courts-martial or other military tribunals of crimes or offenses which, under some statute of the United States or under some law of the State, Territory, District, or other jurisdiction in which the crime or offense may be committed, are punishable by confinement in a penitentiary, including persons sentenced to confinement upon conviction by courts-martial or other military tribunals of two or more acts or omissions, any one of which, under the statute or other law hereinbefore mentioned, constitutes or includes a crime or offense punishable by confinement in a penitentiary, may be confined at hard labor, during the entire period of confinement so adjudged, in any United States, State, Territorial, or District penitentiary, or in any other penitentiary directly or indirectly under the jurisdiction of the United States; and all persons sentenced to confinement upon conviction by courts-martial or other military tribunals who are not confined in a penitentiary may be confined and detained in the United States Disciplinary Barracks.—*Ibid.*

816. *Control, etc., of.*—The government and control of the United States Disciplinary Barracks and of all offenders sent thereto for confinement and detention therein shall be vested in The Adjutant General of the Army under the direction of the Secretary of War, who shall from time to time make such regulations respecting the same as may be deemed necessary, and who shall submit annually to Congress a full statement of the financial and other affairs of said institution for the preceding fiscal year.—*Ibid.*

817. *Commandant, etc., detail from the Army.*—The officers of the United States Disciplinary Barracks shall consist of a commandant and such subordinate officers as may be necessary, who shall be detailed by the Secretary of War from the commissioned officers of the Army at Large.—*Ibid.*

818. *Enlisted men to serve as guards, etc., one guard to have the rank, pay, etc., of a battalion sergeant major.*—In addition to detaching for duty at said disciplinary barracks such number of enlisted men of the Staff Corps and departments as he may deem necessary, the Secretary of War shall assign a

sufficient number of enlisted men of the line of the Army for duty as guards at said disciplinary barracks and as noncommissioned officers of the disciplinary organizations hereinafter authorized. Said guards, and also the enlisted men assigned for duty as noncommissioned officers of disciplinary organizations, shall be detached from the line of the Army, or enlisted for the purpose; and said guards shall be organized as Infantry, with noncommissioned officers, musicians, artificers, and cooks of the number and grades allowed by law for Infantry organizations of like strength: *Provided*, That at least one of said guards shall have the rank, pay, and allowances of a battalion sergeant major.—*Ibid*.

819. Authority of commandant; employment of offenders.—The commandant of the United States Disciplinary Barracks shall have command thereof and charge and custody of all offenders sent thereto for confinement and detention therein; shall govern such offenders and cause them to be employed at such labor and in such trades and to perform such duties as may be deemed best for their health and reformation and with a view to their honorable restoration to duty or their reenlistment as hereinafter authorized; shall cause note to be taken and a record to be made of the conduct of such offenders; and may shorten the daily time of hard labor of those who by their obedience, honesty, industry, and general good conduct earn such favors—all under such regulations as the Secretary of War may from time to time prescribe.—*Ibid*.

820. Military training of offenders, etc.—The Secretary of War shall provide for placing under military training those offenders sent to the United States Disciplinary Barracks for confinement and detention therein whose record and conduct are such as to warrant the belief that upon the completion of a course of military training they may be worthy of an honorable restoration to duty or of being permitted to reenlist; may provide for the organization of offenders so placed under military training into disciplinary companies and higher units, organized as Infantry, with noncommissioned officers, except color sergeants, selected or appointed from the enlisted men assigned to duty for that purpose pursuant to the provisions of paragraph four hereof; and may provide for uniforming, arming, and equipping such organizations.—*Ibid*.

821. Remission of unexecuted portion of sentence for good conduct, etc.—Whenever he shall deem such action merited the Secretary of War may remit the unexecuted portions of the sentences of offenders sent to the United States Disciplinary Barracks for confinement and detention therein, and in addition to such remission may grant those who have not been discharged from the Army an honorable restoration to duty, and may authorize the reenlistment of those who have been discharged or upon their written application to that end order their restoration to the Army to complete their respective terms of enlistment, and such application and order of restoration shall be effective to revive the enlistment contract for a period equal to the one not served under said contract.—*Ibid*.

822. Branch disciplinary barracks at posts.—The Secretary of War may from time to time, designate any building or structure or any part thereof under the control of the Secretary of War and pertaining to the Military Establishment as a branch disciplinary barracks for the confinement and detention of offenders whom it is impracticable to send to the United States Disciplinary Barracks at Fort Leavenworth, Kansas; and all branch disciplinary barracks and all offenders sent thereto for confinement and detention

therein shall be subject to the laws respecting the United States Disciplinary Barracks at Fort Leavenworth, Kansas, and the offenders sent thereto for confinement and detention therein.—*Ibid.*

823. Convicting laws repealed.—That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.—*Sec. 3, Ibid.*

VOCATIONAL INSTRUCTION FOR SOLDIERS.

824. Instruction in agriculture or mechanic arts; civilian teachers to be employed.—In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts.—*Sec. 27, act of June 3, 1916 (39 Stat., 186).*

825. President to prescribe rules and regulations for conducting.—The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers.—*Ibid.*

WAR-RISK INSURANCE.

ARTICLE I.

826. Establishment of Bureau of War Risk Insurance.—That there is established in the Treasury Department a bureau to be known as the Bureau of War Risk Insurance, the director of which shall receive a salary at the rate of \$5,000 per annum. That there be in such bureau a Division of Military and Naval Insurance in charge of a commissioner of Military and Naval Insurance.—*Sec. 1, act of Oct. 6, 1917 (40 Stat., 398).*

827. Rules, regulations, methods, etc.—The director shall adopt reasonable and proper rules to govern the procedure of the divisions * * * and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of allowance, allotment, compensation, or insurance provided for in this act, the forms of application of those claiming to be entitled to such benefits, the method of making investigations and medical examinations, and the manner and form of adjudication and awards.—*Sec. 13, Ibid.*

828. Services of Army and Navy surgeons authorized.—The bureau shall, by arrangement with the Secretary of War and the Secretary of the Navy, respectively, make use of the services of surgeons in the Army and Navy.—*Sec. 14, Ibid.*

829. Information and reports to be furnished by departments, etc.—The director may obtain such information and such reports from officials and employees of the departments of the Government of the United States and of the States as may be agreed upon by the heads of the respective departments.—*Sec. 15, Ibid.*

880. Estimates of appropriations to be submitted.—That the director shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the bureau.—*Sec. 16, ibid., p. 400.*

881. Premiums collected for insurance to be deposited.—All premiums that may be collected for the insurance provided by the provisions of Article IV shall be deposited and covered into the Treasury to the credit of this appropriation (military and naval insurance).—*Sec. 20, ibid.*

882. Military and naval pay deposit fund.—That there shall be set aside as a separate fund in the Treasury, to be known as the military and naval pay deposit fund, all sums held out of pay as provided by section two hundred and three of this act. Such fund, including all additions, is hereby made available for the payment of the sums so held and deposited, with interest, as provided in section two hundred and three, and the amount necessary to pay interest is hereby appropriated.—*Sec. 21, ibid.*

883. Marriage to be established.—That for the purpose of this amendatory act the marriage of the claimant to the person on account of whom the claim is made shall be shown—

- (1) By a duly verified copy of a public or church record; or
- (2) By the affidavit of the clergyman or magistrate who officiated; or
- (3) By the testimony of two or more eyewitnesses to the ceremony; or
- (4) By a duly verified copy of the church record of baptism of the children; or

(5) By the testimony of two or more witnesses who know that the parties lived together as husband and wife, and were recognized as such, and who shall state how long, within their knowledge, such relation continued: *Provided*, That marriages, except such as are mentioned in section forty-seven hundred and five of the Revised Statutes, shall be proven in compensation or insurance cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to compensation or insurance accrued; and the open and notorious illicit cohabitation of a widow who is a claimant shall operate to terminate her right to compensation or insurance from the commencement of such cohabitation: *Provided further*, That for the purpose of the administration of Article II of this act marriage shall be conclusively presumed, in the absence of proof, that there is a legal spouse living, if the man and woman have lived together in the openly acknowledged relation of husband and wife during the two years immediately preceding the date of the declaration of war, or the date of enlistment or of entrance into or employment in active service in the military or naval forces of the United States if subsequent to such declaration.

In Articles II, III, and IV of this act unless the context otherwise requires—

“(1) The term ‘child’ includes—

“(a) A legitimate child.

“(b) A child legally adopted more than six months before the enactment of this amendatory act or before enlistment or entrance into or employment in active service in the military or naval forces of the United States, whichever of these dates is the later.

“(c) A stepchild, if a member of the man’s household.

“(d) An illegitimate child, but, as to the father, only, if acknowledged by instrument in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child’s support, and if such child, if born after

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December thirty-first, nineteen hundred and seventeen, shall have been born in the United States, or in its insular possessions.

"(2) The term 'grandchild' means a child as above defined of a child as above defined.

"(3) Except as used in section four hundred and one and in section four hundred and two the terms 'child' and 'grandchild' are limited to unmarried persons either (a) under eighteen years of age, or (b) of any age, if insane, idiotic, or otherwise permanently helpless.

"(4) The term 'parent' includes a father, mother, grandfather, grandmother, stepfather, and stepmother, either of the person in the service or of the spouse.

"(5) The terms 'brother' and 'sister' include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

"(6) The term 'commissioned officer' includes a warrant officer, but includes only an officer in active service in the military or naval forces of the United States.

"(7) The terms 'man' and 'enlisted man' mean a person, whether male or female, and whether enlisted, enrolled, or drafted into active service in the military or naval forces of the United States, and include noncommissioned and petty officers, and members of training camps authorized by law.

"(8) The term 'enlistment' includes voluntary enlistment, draft, and enrollment in active service in the military or naval forces of the United States.

"(9) The term 'commissioner' means the Commissioner of Military and Naval Insurance.

"(10) The term 'injury' includes disease.

"(11) The term 'pay' means the pay for service in the United States according to grade and length of service, excluding all allowances.

"(12) The term 'military or naval forces' means the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and any other branch of the United States service while serving pursuant to law with the Army or the Navy."—*Sec. 22, ibid.*

834. Bureau of War Risk Insurance to act for persons in military and naval service with reference to all contracts for insurance.—That the Bureau of War Risk Insurance, so far as practicable, shall upon request furnish information to and act for persons in the military or naval service, with respect to any contracts of insurance whether with the Government or otherwise, as may be prescribed by regulations. Said bureau may upon request procure from and keep a record of the amount and kind of insurance held by every commissioned and appointive officer and of every enlisted man in the military or naval service of the United States, including the name and principal place of business of the company, society, or organization in which such insurance is held, the date of the policy, amount of premium, name and relationship of the beneficiary, and such other data as may be deemed of service in protecting the interests of the insured and beneficiaries.—*Sec. 24, ibid., 402.*

835. False statements; penalty.—That whoever in any claim for family allowance, compensation, or insurance, or in any document required by this act or by regulation made under this act, makes any statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than five thousand dollars, or by imprisonment for not more than two years, or both.—*Sec. 25, ibid.*

836. Acceptance of fraudulent payment; penalty.—That if any person entitled to payment of family allowance or compensation under this act, whose right to such payment under this act ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than one year, or both.—*Sec. 26, ibid.*

ARTICLE II.

ALLOTMENTS AND FAMILY ALLOWANCES.

837. Provisions to apply to all enlisted men.—That the provisions of this article shall apply to all enlisted men of the military and naval forces of the United States.—*Sec. 200, ibid., p. 402.*

838. To whom provisions apply; release from, etc.—That allotments of pay shall, subject to the conditions, limitations, and exceptions hereinafter specified, be compulsory as to wife, a former wife divorced who has not remarried and to whom alimony has been decreed, and a child, and voluntary as to any other person; but on the written consent of the wife or former wife divorced, supported by evidence satisfactory to the bureau of her ability to support herself and the children in her custody, the allotment for her and for such children may be waived; and on the enlisted man's application or otherwise for good cause shown, exemption from the allotment may be granted upon such conditions as may be prescribed by regulations.—*Sec. 201, ibid.*

839. Amount of monthly allotment.—The monthly compulsory allotment shall be in an amount equal to the family allowance hereinafter specified except that it shall not be more than one-half the pay, or less than \$15; but for a wife living separate and apart under court order or written agreement or for a former wife divorced, it shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her. For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree. If there be an allotment for a wife or child, a former wife divorced and who has not remarried shall be entitled to a compulsory allotment only out of the difference, if any, between the allotment for the wife or child or both and one-half of the pay.—*Ibid.*

840. Allotments to persons other than wife or children.—That the enlisted man may allot any proportion or proportions or any fixed amount or amounts of his monthly pay or of the proportion thereof remaining after the compulsory allotment, for such purposes and for the benefit of such person or persons as he may direct, subject, however, to such conditions and limitations as may be prescribed under regulations to be made by the Secretary of War.—*Sec. 202, ibid., p. 403.*

841. Compulsory deposit where half of pay is not allotted.—That in case one-half of an enlisted man's monthly pay is not allotted, regulations to be made by the Secretary of War * * * may require, under such circumstances and conditions as may be prescribed in such regulations, that any proportion of such one-half pay as is not allotted shall be deposited to his credit, to be held during such period of his service as may be prescribed. Such deposits shall bear interest at the rate of four per centum per annum, with semiannual rests, and, when payable, shall be paid principal and interest to the enlisted man, if

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living, otherwise to any beneficiary or beneficiaries he may have designated, or if there be no such beneficiary, then to the person or persons who would under the laws of the State of his residence be entitled to his personal property in case of intestacy.—*Sec. 203 Ibid.*

842. Family allowance; maximum amount of.—That a family allowance of not exceeding fifty dollars per month shall be granted and paid by the United States upon written application to the bureau by such enlisted man or by or on behalf of any prospective beneficiary, in accordance with and subject to the conditions, limitations, and exceptions hereinafter specified.—*Sec. 204 Ibid.*

843. Payment of.—The family allowance shall be paid from the time of enlistment to death in or one month after discharge from the service, but not for more than one month after the termination of the present war emergency. No family allowance shall be made for any period preceding November first, nineteen hundred and seventeen. The payment shall be subject to such regulations as may be prescribed relative to cases of desertion and imprisonment and of missing men.—*Ibid.*

844. Amount payable monthly.—Subject to the conditions, limitations, and exceptions hereinabove and hereinafter specified, the family allowance payable per month shall be as follows:

Class A. In the case of a man, to his wife (including a former wife divorced) and to his child or children—

- (a) If there be a wife but no child, fifteen dollars.
- (b) If there be a wife and one child, twenty-five dollars.
- (c) If there be a wife and two children, thirty-two dollars and fifty cents, with five dollars per month additional for each additional child.
- (d) If there be no wife, but one child, five dollars.
- (e) If there be no wife, but two children, twelve dollars and fifty cents.
- (f) If there be no wife, but three children, twenty dollars.
- (g) If there be no wife, but four children, thirty dollars, with five dollars per month additional for each additional child.

Class B. In the case of a man or woman, to a grandchild, a parent, brother, or sister—

- (a) If there be one parent, ten dollars.
 - (b) If there be two parents, twenty dollars.
 - (c) For each grandchild, brother, sister, and additional parent, five dollars.
- In the case of a woman, to a child or children—
- (d) If there be one child, five dollars.
 - (e) If there be two children, twelve dollars and fifty cents.
 - (f) If there be three children, twenty dollars.
 - (g) If there be four children, thirty dollars, with five dollars per month additional for each additional child.—*Ibid.*

845. To whom same shall be paid under Class A.—That family allowances for members of Class A shall be paid only if and while a compulsory allotment is made to a member or members of such class. The monthly family allowance to a former wife divorced shall be payable only out of the difference, if any, between the monthly family allowance to the other members of Class A and the sum of fifty dollars, and only then if alimony shall have been decreed to her. For a wife living separate and apart under court order or written agreement or to a former wife divorced the monthly allowance, together with the allotment, if any, shall not exceed the amount specified in the court order,

decree, or written agreement to be paid to her. For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.—*Sec. 205, ibid., p. 404.*

846. Amount to be paid to those included in Class B.—That family allowances to members of Class B shall be granted only if and while the member is dependent in whole or in part on the enlisted man, and then only if and while the enlisted man makes a monthly allotment of his pay for such member or members equal to the amount of the monthly family allowance as hereinabove specified, except that—

(a) The maximum monthly allotment so required to be made to members of Class B shall be one-half of his pay.

(b) If he is making no allotment to a member of Class A, the minimum monthly allotment so designated to be made to members of Class B shall be \$15 per month.

(c) If he is making the compulsory allotment to a member of Class A, the minimum monthly allotment so designated to be made to members of Class B shall be one-seventh of his pay, but not less than \$5 per month.—*Sec. 206, ibid.*

847. Exemption from additional allotment under Class B.—On the enlisted man's application, or otherwise for good cause shown, exemption from this additional allotment under Class B as a condition to the allowance may be granted, upon such conditions as may be prescribed by regulations.—*Ibid.*

848. Family allowance under Class B to be subject to following limitations.—That the amount of the family allowance to members of Class B shall be subject to each of the following limitations:

(a) If an allowance is paid to one or more beneficiaries of Class A, the total allowance to be paid to the beneficiaries of Class B shall not exceed the difference between the allowance paid to the beneficiaries of Class A and the sum of \$50.

(b) The total monthly allowance to beneficiaries of Class B added to the enlisted man's monthly allotment to them shall not exceed the average sum habitually contributed by him to their support monthly during the period of dependency but not exceeding a year immediately preceding his enlistment or the enactment of this amendatory act.—*Sec. 207, ibid.*

849. Apportionment of allotment and allowance to be prescribed by regulations.—That as between the members of Class A and as between the members of Class B, the amount of the allotment and family allowance shall be apportioned as may be prescribed by regulations.—*Sec. 208, ibid.*

850. Entire amount of allotments to be paid over to Treasury Department monthly.—The War and Navy Departments, respectively, shall pay over to the Treasury Department monthly the entire amount of such allotments for distribution to the beneficiaries, and the allotments and family allowances shall be paid by the bureau to or for the beneficiaries.—*Sec. 209, ibid.*

851. Amount of allotment to be certified to War Department; modification of.—That upon receipt of any application for family allowance the commissioner shall make all proper investigations and shall make an award, on the basis of which award the amount of the allotments to be made by the man shall be certified to the War Department or Navy Department, as may be proper. Whenever the commissioner shall have reason to believe that an allowance has

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been improperly made or that the conditions have changed, he shall investigate or reinvestigate and may modify the award. The amount of each monthly allotment and allowance shall be determined according to the conditions then existing.—*Sec. 210, ibid.*

ARTICLE III.

COMPENSATION FOR DEATH OR DISABILITY.

852. To whom same applies.—That for death or disability resulting from personal injury suffered or disease contracted in the line of duty, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided; but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct.—*Sec. 300, ibid., p. 405.*

853. Amount of compensation if death results from injury; burial expenses, etc.—That if death results from injury, if the deceased leaves a widow or child, or if he leaves a widowed mother dependent upon him for support, the monthly compensation shall be the following amounts:

- (a) For a widow alone, twenty-five dollars.
- (b) For a widow and one child, thirty-five dollars.
- (c) For a widow and two children, forty-seven dollars and fifty cents, with five dollars for each additional child up to two.
- (d) If there be no widow, then for one child, twenty dollars.
- (e) For two children, thirty dollars.
- (f) For three children, forty dollars, with five dollars for each additional child up to two.
- (g) For a widowed mother, twenty dollars. The amount payable under this subdivision shall not be greater than a sum which, when added to the total amount payable to the widow and children, does not exceed seventy-five dollars. This compensation shall be payable for the death of but one child, and no compensation for the death of a child shall be payable if such widowed mother is in receipt of compensation under the provisions of this article for the death of her husband. Such compensation shall be payable whether her widowhood arises before or after the death of the person and whenever her condition is such that if the person were living the widowed mother would have been dependent upon him for support.

If the death occur before discharge or resignation from service, the United States shall pay for burial expenses and the return of body to his home a sum not to exceed one hundred dollars, as may be fixed by regulations.

The payment of compensation to a widow or widowed mother shall continue until her death or remarriage.

The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be incapable, because of insanity, idiocy, or being otherwise permanently helpless, then during such incapacity.

Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

As between the widow and the children not in her custody, and as between children, the amount of the compensation shall be apportioned as may be prescribed by regulations. The word "widow" as used in this section shall not include one who shall have married the deceased later than ten years after the time of injury.—*Sec. 301, ibid.*

354. Amount of compensation if disability results from injury.—That if disability results from the injury—

TOTAL DISABILITY.

(1) If and while the disability is total, the monthly compensation shall be the following amounts:

- (a) If he has neither wife nor child living, thirty dollars.
- (b) If he has a wife but no child living, forty-five dollars.
- (c) If he has a wife and one child living, fifty-five dollars.
- (d) If he has a wife and two children living, sixty-five dollars.
- (e) If he has a wife and three or more children living, seventy-five dollars.
- (f) If he has no wife but one child living, forty dollars, with ten dollars for each additional child up to two.

(g) If he has a widowed mother dependent on him for support, then, in addition to the above amounts, ten dollars.

To an injured person who is totally disabled and in addition so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding twenty dollars per month, as the director may deem reasonable: *Provided, however,* That for the loss of both feet or both hands or both eyes, or for becoming totally blind or helpless and permanently bedridden from causes occurring in the line of duty in the service of the United States, the rate of compensation shall be one hundred dollars per month: *Provided further,* That no allowance shall be made for nurse or attendant.

PARTIAL DISABILITY.

(2) If and while the disability is partial, the monthly compensation shall be a percentage of the compensation that would be payable for his total disability, equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than ten per centum.

A schedule of ratings of reductions in earning capacity from specific injuries or combinations of injuries of a permanent nature shall be adopted and applied by the bureau. Ratings may be as high as one hundred per centum. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of a permanent injury. The bureau shall from time to time readjust this schedule of ratings in accordance with actual experience.

MEDICAL, SURGICAL, AND HOSPITAL SERVICES; SUPPLIES, ETC., TO BE FURNISHED.

(3) In addition to the compensation above provided the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services and with such supplies, including artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary: *Provided,* That nothing in this act shall be construed to

affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service.

HOW MONTHLY PAYMENTS ARE DETERMINED.

(4) The amount of each monthly payment shall be determined according to the family conditions then existing.—*Sec. 302, ibid., 406.*

855. Medical examinations, treatments, etc.—That every person applying for or in receipt of compensation for disability under the provisions of this article shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the director. He may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations he shall, in the discretion of the director, be paid his reasonable traveling and other expenses and also loss of wages incurred in order to submit to such examination. If he refuses to submit himself for, or in any way obstructs, any examination, his right to claim compensation under this article shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and no compensation shall be payable for the intervening period.

Every person in receipt of compensation for disability shall submit to any reasonable medical or surgical treatment furnished by the bureau whenever requested by the bureau; and the consequences of unreasonable refusal to submit to any such treatment shall not be deemed to result from the injury compensated for.—*Sec. 303, ibid.*

856. Vocational training in case of permanent disability.—That in cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided. Should such course prevent the injured person from following a substantially gainful occupation while taking same, a form of enlistment may be required which shall bring the injured person into the military or naval service. Such enlistment shall entitle the person to full pay as during the last month of his active service, and his family to family allowances and allotment as hereinbefore provided, in lieu of all other compensation for the time being. In case of his willful failure properly to follow such course or so to enlist, payment of compensation shall be suspended until such willful failure ceases and no compensation shall be payable for the intervening period.—*Sec. 304, ibid., p. 407.*

857. Review of awards permissible.—That upon its own motion or upon application the bureau may at any time review an award, and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, may award compensation.—*Sec. 305, ibid.*

858. Time limit for payment in case of death.—That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except that where, after a medical examination made pursuant to regulations, at the time of discharge or resignation from the service, or within such reasonable time thereafter, not exceeding one year, as may be allowed by regulations, a certificate has been

obtained from the director to the effect that the injured person at the time of his discharge or resignation was suffering from injury likely to result in death or disability, compensation shall be payable for death or disability, whenever occurring proximately resulting from such injury.—*Sec. 306, ibid.*

859. Compensation not payable until death is recorded; not payable for period reported missing.—That compensation shall not be payable for death in the course of the service until the death be officially recorded in the department under which he may be serving. No compensation shall be payable for a period during which the man has been reported "missing" and a family allowance has been paid for him under the provisions of Article II.—*Sec. 307, ibid.*

860. Compensation not payable for death inflicted as penalty for criminal offenses; not payable under dishonorable discharge.—That no compensation shall be payable for death inflicted as a lawful punishment for a crime or military offense except when inflicted by the enemy. A dismissal or dishonorable or bad conduct discharge from the service shall bar and terminate all right to any compensation under the provisions of this article.—*Sec. 308, ibid.*

861. Time limit for filing claims.—That no compensation shall be payable unless a claim therefor be filed, in case of disability, within five years after discharge or resignation from the service, or, in case of death during the service, within five years after such death is officially recorded in the department under which he may be serving: *Provided, however,* That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability. The time herein provided may be extended by the director not to exceed one year for good cause shown. If at the time that any right accrues to any person under the provisions of this article, such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases.—*Sec. 309, ibid.*

862. Payment of claims; when to commence.—That no compensation shall be payable for any period more than two years prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than one year prior to the date of claim therefor.—*Sec. 310, ibid., p. 480.*

863. Assignment of compensation not allowable; exempted from attachment and execution and from taxation.—That compensation under this article shall not be assignable, and shall be exempt from attachment and execution and from all taxation.—*Sec. 311, ibid.*

864. Not payable when in receipt of service or retirement pay; laws providing for gratuities, etc., repealed.—That compensation under this article shall not be paid while the person is in receipt of service or retirement pay. The laws providing for gratuities or payments in the event of death in the service and existing pension laws shall not be applicable after the enactment of this amendment to persons now in or hereafter entering the military or naval service, or to their widows, children, or their dependents, except in so far as rights under any such law shall have heretofore accrued.—*Sec. 312, ibid.*

865. Compensation of Army Nurse Corps (female).—Compensation because of disability or death of members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) shall be in lieu of any compensation for such disability or death under the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September seventh, nineteen hundred and sixteen.—*Ibid.*

866. Action where the United States is not legally liable.—That if an injury or death for which compensation is payable under this amendatory act is caused under circumstances creating a legal liability upon some person other than the United States or the enemy to pay damages therefor, the director, as a condition to payment of compensation by the United States, shall require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person. The cause of action so assigned to the United States may be prosecuted or compromised by the director and any money realized thereon shall be placed to the credit of the compensation fund.—*Sec. 313, ibid.*

867. Rate of pension, Civil War service.—That from and after the passage of this act the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the Civil War, the War with Spain, or the Philippine Insurrection, now on the pension roll or hereafter to be placed on the pension roll, and entitled to receive a less rate than hereinafter provided, shall be twenty-five dollars per month; and nothing herein shall be construed to affect the additional allowance provided by existing pension laws on account of a helpless child or child under sixteen years of age: *Provided, however,* That this act shall not be so construed as to reduce any pension under any act, public or private: *And provided further,* That the provisions of this section shall be administered, executed, and enforced by the Commissioner of Pensions.—*Sec. 314, ibid.*

ARTICLE IV.

INSURANCE.

868. Applications for; minimum and maximum amount.—That in order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department greater protection for themselves and their dependents than is provided in Article III, the United States, upon application to the bureau and without medical examination, shall grant insurance against the death or total permanent disability of any such person in any multiple of \$500, and not less than \$1,000 or more than \$10,000, upon the payment of the premiums as hereinafter provided.—*Sec. 400, ibid., p. 409.*

869. Applications; time limit of, payments, etc.—That such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation, except that those persons who are in the active war service at the time of the publication of the terms and conditions of such contract of insurance may apply at any time within one hundred and twenty days thereafter

and while in such service. Any person in the active service on or after the sixth day of April, nineteen hundred and seventeen, who, while in such service and before the expiration of one hundred and twenty days from and after such publication, becomes or has become totally and permanently disabled or dies, or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of twenty-five dollars each. If he shall die either before he shall have received any of such monthly installments or before he shall have received two hundred and forty of such monthly installments, then twenty-five dollars per month shall be paid to his wife from the time of his death and during her widowhood, or to his child, or widowed mother if and while they survive him: *Provided, however,* That not more than two hundred and forty of such monthly installments, including those received by such person during his total and permanent disability, shall be so paid; and in that event the amount of the monthly installments shall be apportioned between them as may be provided by regulations.—*Sec. 401, ibid.*

870. *Terms and conditions to be determined; insurance not assignable; exempted from claims for debts; to whom payable; monthly installments; contract conditions; calculations; interest; change of beneficiary; etc.*—That the director, subject to the general direction of the Secretary of the Treasury, shall promptly determine upon and publish the full and exact terms and conditions of such contract of insurance. The insurance shall not be assignable, and shall not be subject to the claims of creditors of the insured or of the beneficiary. It shall be payable only to a spouse, child, grandchild, parent, brother, or sister, and also during total and permanent disability to the injured person, or to any or all of them. The insurance shall be payable in two hundred and forty equal monthly installments. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid-up and extended value, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries, but only within the classes herein provided. If no beneficiary within the permitted class be designated by the insured, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, the insurance shall be payable to such person or persons, within the permitted class of beneficiaries as would under the laws of the State of the residence of the insured, be entitled to his personal property in case of intestacy. If no such person survive the insured, then there shall be paid to the estate of the insured an amount equal to the reserve value, if any, of the insurance at the time of his death, calculated on the basis of the American Experience Table of Mortality and three and one-half per centum interest in full of all obligations under the contract of insurance.—*Sec. 402, ibid.*

871. Expenses of administration and excess cost resulting from war to be borne by United States; premium rates and interest.—That the United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum.—*Sec. 403, ibid., p. 410.*

872. Term of insurance; method of payment of premiums.—That during the period of war and thereafter until converted the insurance shall be term insurance for successive terms of one year each. Not later than five years after the date of the termination of the war as declared by proclamation of the President of the United States, the term insurance shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty payment life, endowment maturing at age sixty-two and into other usual forms of insurance and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election.—*Sec. 404, ibid.*

873. Action on claims in event of disagreement; attorneys' fees, etc.—That in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder, an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any one of them resides. The court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed ten per centum of the amount recovered, to be paid by the claimant on behalf of whom such proceedings are instituted to his attorney; and it shall be unlawful for the attorney or for any other person acting as claim agent or otherwise to ask for, contract for, or receive any other compensation because of such action. No other compensation or fee shall be charged or received by any person except such as may be authorized by the commissioner in regulations to be promulgated by him. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.—*Sec. 405, ibid.*

NOTE.—The premium in payment of insurance in case of officers will be dropped from their pay accounts; in case of enlisted men, dropped from pay on the rolls, as is done in the case of allotments.

PERSONNEL—CIVILIANS.

CHIEF CLERK—DUTIES OF.

874. Supervision of duties of subordinate clerks.—Each chief clerk in the several departments and bureaus, and other offices connected with the departments, shall supervise, under the direction of his immediate superior, the duties of the other clerks therein and see that they are faithfully performed.—*Sec. 173, R. S.*

875. Distribution of work.—Each chief clerk shall take care, from time to time, that the duties of the other clerks are distributed with equality and uni-

formity, according to the nature of the case. He shall revise such distribution from time to time for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity or from increase or diminution of particular kinds of business. And he shall report monthly to his superior officer any existing defect that he may be aware of in the arrangement or dispatch of business.—*Sec. 174, R. S.*

876. Authority to administer oath of office to employees.—The chief clerks of the several executive departments and of the various bureaus and offices thereof in Washington, District of Columbia, are hereby authorized and directed, on application and without compensation therefor, to administer oaths of office to employees required to be taken on their appointment or promotion.—*Act of Aug. 29, 1890 (26 Stat., 371).*

877. No fee for administering oath.—No officer, clerk, or employee of any executive department who is also a notary public or other officer authorized to administer oaths shall charge or receive any fee or compensation for administering oaths of office to employees of such department required to be taken on appointment or promotion therein.—*Ibid.*

878. Oaths to expense accounts, no fee to be charged.—After June thirtieth, nineteen hundred and twelve, * * * chief clerks of the various executive departments and bureaus, or clerks designated by them for the purpose, * * * are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand after said date by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and on and after July first, nineteen hundred and twelve, no fee or money paid for the services herein described shall be paid or reimbursed by the United States.—*Sec. 8, Act of Aug. 24, 1912 (37 Stat., 487).*

CONTRIBUTIONS FOR POLITICAL AND OTHER PURPOSES.

879. For gifts, etc., to superiors.—No officer, clerk, or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ.—*Sec. 1784, R. S.*

880. For political purposes.—No Senator or Representative in, or Delegate or Resident Commissioner to Congress, or Senator, Representative, Delegate, or Resident Commissioner-elect, or officer or employee of either House of Congress, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or

any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.—*Sec. 118, Act of Mar. 4, 1909 (35 Stat., 1110).*

881. *Same.*—No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section, or in any navy yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever.—*Sec. 119, ibid.*

882. *Same.*—No officer or employee of the United States mentioned in section one hundred and eighteen, shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.—*Sec. 120, ibid.*

883. *Same.*—No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.—*Sec. 121, ibid.*

884. *Same; penalty.*—Whoever shall violate any provision of the four preceding sections shall be fined not more than five thousand dollars, or imprisoned not more than three years, or both.—*Sec. 122, ibid.*

DETAILS.

885. *Temporary details allowed, renewals, etc.*—Each head of a department may, from time to time, alter the distribution among the various bureaus and offices of his department, of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the department, and in no case be for a period of time exceeding one hundred and twenty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the department, in each particular case, for periods of not exceeding one hundred and twenty days. All details heretofore made are hereby revoked, but may be renewed as provided herein.—*Sec. 166, R. S., as amended by act of May 28, 1896 (29 Stat., 179).*

886. *Detail of civil employees outside of the District for duty in the District prohibited.*—Thereafter all details of civil officers, clerks, or other subordinate employees from places outside of the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited.—*Sec. 4, act of Aug. 5, 1882 (22 Stat., 255).*

887. *Same.*—Hereafter it shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the military or naval establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are now specially provided by law, for

duty in any bureau, office, or other division of any executive department in the District of Columbia, except temporary details for duty connected with their respective offices.—*Sec. 4, act of June 22, 1906 (34 Stat., 449).*

888. Detail of persons employed in, for duty outside of District prohibited.—In expending appropriations made in this act, persons in the classified service at Washington, District of Columbia, shall not be detailed for service outside of the District of Columbia except for or in connection with work pertaining directly to the service at the seat of government of the department or other Government establishment from which the detail is made: *Provided*, That nothing in this section shall be deemed to apply to the investigation of any matter or the preparation, prosecution, or defense of any suit by the Department of Justice.—*Sec. 5, act of May 10, 1916 (39 Stat., 120).*

889. Temporary details, office of the President.—Employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary.—*Act of May 10, 1916 (39 Stat., 76).*

890. With commissions, councils, or boards, etc.— * * * Nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other Government establishment in connection with any such commission, council, board, or other similar body.—*Sec. 9, act of Mar. 4, 1909 (35 Stat., 1027).*

EFFICIENCY RATINGS.

891. Establishment of, in departments; ratings for promotion, demotion, and retention, etc.—The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by the provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section.—*Sec. 4, act of Aug. 23, 1912 (37 Stat., 413).*

892. Duties relating to efficiency ratings transferred.—The duties relating to efficiency ratings imposed upon the Civil Service Commission by section 4 of the legislative, executive, and judicial appropriation act approved August twenty-third, nineteen hundred and twelve, * * * are transferred to the Bureau of Efficiency.—*Act of Feb. 28, 1916 (39 Stat., 15).*

EMPLOYMENT—RESTRICTIONS, ETC.

893. Authority to employ clerks and other employees.—Each head of a department is authorized to employ in his department such number of clerks of

PERSON
duty in any bureau, office, or other
District of Columbia, except temporary
respective offices.—*Sec. 4, act of Jan.*

888. Detail of persons employed
In expending appropriations made
at Washington, District of Columbia
of the District of Columbia except
directly to the service at the sea
Government establishment from
nothing in this section shall be a
matter or the preparation, prosecution
of Justice.—*Sec. 5, act of May 10,*

889. Temporary details, office of
departments and other establishments
ment may be detailed from time
United States for such temporary
10, 1916 (39 Stat., 76).

890. With commissions, council
be employed by detail, hereafter
services from any executive department
connection with any such commissions
Sec. 9, act of Mar. 4, 1909 (35 Stat., 100).

EFF

891. Establishment of, in department
retention, etc.—The Civil Service
the President, establish a system
in the several executive departments
records kept in each department
quency as to make them as nearly
provide a minimum rating of efficiency
before he may be promoted; it shall
employee may fall without being derelict
low which no employee may fall
promotions, demotions, or dismissals
civil-service rules. Copies of all
departments and independent establishments
for record in accordance with the
23, 1912 (37 Stat., 413).

892. Duties relating to efficiency
to efficiency ratings imposed upon
the legislative, executive, and
twenty-third, nineteen hundred
Bureau of Efficiency.—*Act of Feb.*

EMPLOYMENT

893. Authority to employ clerical
department is authorized to employ

the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.—*Sec. 169, R. S.*

894. *Members of National Guard to be restored to former positions when mustered out of service.*—All officers and enlisted men of the National Guard * * * who are Government employees and who respond to the call of the President for service shall, at the expiration of the military service to which they are called, be restored to the positions occupied by them at the time of the call.—*Act of Aug. 29, 1916 (39 Stat., 624).*

895. *Members of Officers' Reserve Corps to be restored to Government positions; when.*—That members of the Officers' Reserve Corps who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty.—*Act of May 12, 1917 (40 Stat., 72).*

896. *Employing clerks, etc., beyond provisions of law, prohibited.*—The executive officers of the Government are hereby prohibited from employing any clerk, agent, engineer, draughtsman, messenger, watchman, laborer, or other employee, in any of the executive departments in the city of Washington, or elsewhere beyond provisions made by law.—*Sec. 5, act of Aug. 15, 1876 (19 Stat., 169).*

897. *Use of intoxicating beverages a bar to official position.*—No person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable.—*Sec. 8, act of Jan. 16, 1883 (22 Stat., 400).*

898. *Two or more members of a family holding positions, further appointments restricted.*—Whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades.—*Sec. 9, ibid.*

899. *Recommendations of Representatives in Congress not to be considered, except as to character, etc.*—No recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or Member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.—*Sec. 10, ibid.*

900. *Voluntary and personal services; restriction.*—Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property.—*Sec. 3679, R. S., as amended by sec. 4, act of Mar. 3, 1905 (33 Stat., 1257) and sec. 3, act of Feb. 27, 1906 (34 Stat., 48).*

HOLIDAYS.

901. *Per diem employees.*—The employees of the Navy Yard, Government Printing Office, Bureau of Printing and Engraving, and all other per diem employees of the Government on duty at Washington, or elsewhere in the United

States, shall be allowed the following holidays, to wit: The first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days.—*Joint res. 5, Jan. 6, 1885 (23 Stat., 516).*

902. Same; Decoration Day and Fourth of July.—All per diem employees of the Government, on duty at Washington or elsewhere in the United States, shall be allowed the day of each year which is celebrated as "Memorial" or "Decoration Day" and the fourth of July of each year, as holidays, and shall receive the same pay as on other days.—*Joint res. 6, Feb. 23, 1887 (24 Stat., 644).*

903. Same; Labor Day.—The first Monday of September in each year, being the day celebrated and known as Labor's Holiday, is hereby made a legal public holiday, to all intents and purposes, in the same manner as Christmas, the first day of January, the twenty-second day of February, the thirtieth day of May, and the fourth day of July are now made by law public holidays.—*Act of June 28, 1894 (28 Stat., 96).*

904. Employees in the District of Columbia.—The following days in each year, namely, the first day of January, commonly called New Year's Day; the twenty-second day of February, known as Washington's Birthday; the fourth of July; the thirtieth day of May, commonly called Decoration Day; the first Monday in September, known as Labor's Holiday; the twenty-fifth day of December, commonly called Christmas Day; every Saturday, after twelve o'clock noon; any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving, and the day of the inauguration of the President, in every fourth year, shall be holidays in the District for all purposes.—*Sec. 1389, act of Mar. 3, 1901 (31 Stat., 1404), as amended by act of June 30, 1902 (32 Stat., 543).*

HOURS OF WORK.

905. Eight hours to constitute a day's work for laborers, workmen, etc.—The service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia to any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.—*Sec. 1, act of Aug. 1, 1892 (27 Stat., 340).*

906. Same.—Suspension of, in time of national emergency.—In case of national emergency the President is authorized to suspend provisions of law prohibiting more than eight hours' labor in any one day of persons engaged upon work covered by contracts with the United States.—*Act of Mar. 4, 1917 (39 Stat., 1192).*

907. Seven hours to constitute a day's work for clerks, etc., in executive departments.—Hereafter it shall be the duty of the heads of the several execu-

tive departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order.—*Sec. 5, act of Mar. 3, 1893 (27 Stat., 715), as amended by sec. 7, act of Mar. 15, 1898 (30 Stat., 316).*

908. Same—Extension of; by whom.—The heads of the departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their departments, respectively, but in case of an extension it shall be without additional compensation.—*Ibid.*

LEAVE OF ABSENCE.

909. Annual leave; authority for.—The head of any department may grant thirty days' annual leave with pay in any one year to each clerk or employee.—*Sec. 5, act of Mar. 3, 1893 (27 Stat., 715), as amended by sec. 7, act of Mar. 15, 1898 (30 Stat., 316).*

910. Same; to be in addition to sick leave.—Nothing contained in section seven of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year eighteen hundred and ninety-nine, approved March fifteenth, eighteen hundred and ninety-eight, shall be construed to prevent the head of any executive department from granting thirty days' annual leave with pay in any one year to a clerk or employee, notwithstanding such clerk or employee may have had during such year not exceeding thirty days' leave with pay on account of sickness as provided in said section seven.—*Act of July 7, 1898 (30 Stat., 653).*

911. Same; thirty days, exclusive of Sundays and holidays.—The thirty days' annual leave of absence with pay in any one year to clerks and employees in the several executive departments authorized by existing law shall be exclusive of Sundays and legal holidays.—*Sec. 4, act of Feb. 24, 1899 (30 Stat., 890).*

912. Pay to stop at expiration of granted leave.—This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave.—*Sec. 5, act of Mar. 3, 1893 (27 Stat., 715), as amended by sec. 7, act of Mar. 15, 1898 (30 Stat., 316).*

913. Leaves of absence of thirty days to all employees.—Each and every employee of the navy yards, gun factories, naval stations, and arsenals of the United States Government is hereby granted thirty days' leave of absence each year, without forfeiture of pay during such leave: *Provided*, That it shall be lawful to allow pro rata leave only to those serving twelve consecutive months or more: *And provided further*, That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed: *And provided further*, That not more than thirty days' leave with pay shall be allowed any such employee in one year: *Provided further*, That this provision shall not be construed to deprive employees of any sick leave or legal holidays to which they may now be entitled under existing law.—*Act of Aug. 29, 1916 (39 Stat., 617).*

914. Members of the National Guard during parades and encampments.—All officers and employees of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this act.—*Sec. 49, act of Mar. 1, 1889 (25 Stat., 779).*

915. Same; engaged in field or coast defense training.—All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this act.—*Sec. 80, act of June 3, 1916 (39 Stat., 203).*

916. Members of Officers' Reserve Corps, duty with troops or field exercises, etc.—That all officers and employees of the United States or of the District of Columbia who shall be members of the Officers' Reserve Corps shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be ordered to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year.—*Act of May 12, 1917 (40 Stat., 72).*

917. Sick leave, authority for.—Where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the department would jeopardize the health of fellow clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the department, with pay, not exceeding thirty days in any one case or in any one calendar year.—*Sec. 5, act of Mar. 3, 1893 (27 Stat., 715), as amended by sec. 7, act of Mar. 15, 1898 (30 Stat., 316).*

MEDICAL SUPPLIES.

918. Purchase of at military posts.—Hereafter civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army.—*Sec. 1, act of Mar. 2, 1905 (33 Stat., 839).*

OATHS.

919. Official oath of office.—Section seventeen hundred and fifty-six of the Revised Statutes be, and the same is hereby repealed, and hereafter the oath to be taken by any person elected or appointed to any office of honor or profit either in the civil, military, or naval service, except the President of the United States, shall be as prescribed in section seventeen hundred and fifty-seven of the Revised Statutes. But this repeal shall not affect the oaths prescribed by existing statutes in relation to the performance of duties in special or particular subordinate offices and employments.—*Sec. 2, act of May 13, 1884 (23 Stat., 22).*

920. Same; form of.—Whenever any person * * * is elected or appointed to any office of honor or trust under the Government of the United States, * * * he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, A. B., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."—*Sec. 1757, R. S.*

921. Who may administer.—The oath of office required by the preceding section may be taken before any officer who is authorized, either by the laws of the United States or by the local municipal law, to administer oaths, in the State, Territory, or district where such oath may be administered.—*Sec. 1758, R. S.*

922. Custody of oath.—The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six or of section seventeen hundred and fifty-seven shall be delivered in by him, to be preserved among the files of the House of Congress, department, or court to which the office in respect to which the oath is made may appertain.—*Sec. 1759, R. S.*

PAY FOR SERVICES.

923. Annual rate of pay.—The annual salaries of clerks and employees in the departments whose compensation is not otherwise prescribed shall be as follows:

First. To clerks of the fourth class, one thousand eight hundred dollars.

Second. To clerks of the third class, one thousand six hundred dollars.

Third. To clerks of the second class, one thousand four hundred dollars.

Fourth. To clerks of the first class, one thousand two hundred dollars.

Fifth. To the women employed in duties of a clerical character, subordinate to those assigned to clerks of the first class, including copyists and counters, or temporarily employed to perform the duties of a clerk, nine hundred dollars.

Sixth. To messengers, eight hundred and forty dollars.

Seventh. To assistant messengers, seven hundred and twenty dollars.

Eighth. To laborers, seven hundred and twenty dollars.

Ninth. To watchmen, seven hundred and twenty dollars.—*Sec. 167, R. S.*

924. Temporary clerks.—Except when a different compensation is expressly prescribed by law, any clerk temporarily employed to perform the same or similar duties with those belonging to clerks of either class is entitled to the same salary as is allowed to clerks of that class.—*Sec. 168, R. S.*

925. Performance of duties of one clerk by another.—No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.—*Sec. 1764, R. S.*

NOTE.—This statute defined by Judge Advocate General in opinion of February 14, 1917.

926. Office of the Quartermaster General.—Chief clerk, two thousand seven hundred and fifty dollars; principal clerks—five at two thousand two hundred

and fifty dollars each, three at two thousand dollars each; clerks—fifteen of class four, twenty-nine of class three, fifty of class two, ninety-three of class one, fifty-nine at one thousand dollars each, ten at nine hundred dollars each; advisory architect, four thousand dollars; draftsmen—three at one thousand eight hundred dollars each, seven at one thousand six hundred dollars each, five at one thousand four hundred dollars each; supervising engineer, two thousand seven hundred and fifty dollars; hydraulic and sanitary engineer, two thousand dollars; civil engineer, one thousand eight hundred dollars; electrical engineer, two thousand dollars; electrical and mechanical engineer, two thousand two hundred and fifty dollars; marine engineer, three thousand five hundred dollars; sanitary and heating engineer, one thousand eight hundred dollars; six messengers; fourteen assistant messengers; twelve laborers; laborer, six hundred dollars.—*Act of Mar. 3, 1917 (39 Stat., 1095).*

See annual appropriation acts.

927. Same; increased compensation during fiscal year 1918.—That to provide, during the fiscal year nineteen hundred and eighteen, for increased compensation at the rate of ten per centum per annum to employees who receive salaries at a rate per annum less than one thousand two hundred dollars, and for increased compensation at the rate of five per centum per annum to employees who receive salaries at a rate not more than one thousand eight hundred dollars per annum and not less than one thousand two hundred dollars per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.—*Sec. 7, act of Mar. 3, 1917 (39 Stat., 1121).*

928. Computation of.—Hereafter, where the compensation of any person in the service of the United States is annual or monthly, the following rules for division of time and computation of pay for services rendered are hereby established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month, one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first of any calendar month from the computation and treating February as if it actually has thirty days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry.—*Sec. 6, act of June 30, 1906 (34 Stat., 763).*

929. Forfeiture, unauthorized absence on thirty-first day of month.—For one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited.—*Ibid.*

930. From lump-sum appropriations increase during fiscal year 1918.—During the fiscal year nineteen hundred and eighteen, all civilian employees in the Military Establishment, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June thirtieth, nineteen hundred and seventeen, shall receive increased compensation at the rate of ten per centum per annum to such employees who receive salaries or wages in such establishment at a rate per annum of less than one thousand two hundred dollars, and increased compensation at a rate of five per centum per annum to such employees who receive salaries or wages in such establishment at a rate of not more than one thousand eight hundred dollars per annum and not less than one thousand two hundred dollars per annum: *And provided further*, That so much as may be necessary for this purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.—*Act of May 12, 1917 (40 Stat., 74).*

931. Same.—Increased compensation restricted.—That no civil employee in any of the executive departments or other Government establishments, or who has been employed therein within the period of one year next preceding his proposed employment in any other executive department or other Government establishment, shall be employed hereafter and paid from a lump-sum appropriation in any other executive department or other Government establishment at an increased rate of compensation. And no civil employee in any of the executive departments or other Government establishments or who has been employed therein within the period of one year next preceding his proposed employment in any other executive department or other Government establishment and who may be employed in another executive department or other Government establishment shall be granted an increase in compensation within the period of one year following such reemployment: *Provided*, That the United States Shipping Board Emergency Fleet Corporation shall be considered a Government establishment for the purposes of this section: *Provided further*, That this section shall not be construed to repeal section five of the Act of June twenty-second, nineteen hundred and six, which prohibits the transfer of employees from one department to another.—*Sec. 7, act of Oct. 6, 1917 (40 Stat., 383).*

932. Pieceworkers and per diem employees; increased compensation during fiscal year 1918.—That in determining the right of employees to increased compensation as heretofore authorized by law at rates of five and ten per centum per annum for the fiscal year nineteen hundred and eighteen, such employees as are employed on piecework, by the hour, or at per diem rates, shall be entitled to receive, from July first, nineteen hundred and seventeen, to June thirtieth, nineteen hundred and eighteen, inclusive, the increased compensation at the rate of ten per centum when the fixed rate of compensation for the regular working hours and on the basis of three hundred and twelve days in said year would amount to less than one thousand two hundred dollars, and at the rate of five per centum when not less than one thousand two hundred dollars and not more than one thousand eight hundred dollars: *Provided*, That this method of computation shall not apply to any per diem employees regularly paid a per diem for every day in the year.—*Sec. 8, act of Oct. 6, 1917 (40 Stat., 384).*

PAY FOR SERVICES—ADDITIONAL PAY.

933. Foreign service, employees at headquarters.—On and after July first, nineteen hundred and fourteen, the pay of clerks and messengers at head-

quarters of territorial departments, tactical divisions, brigades, and service schools, who are citizens of the United States, shall be increased two hundred dollars each per annum while serving in the Philippine Islands, such service to be computed from the date of departure from the continental limits of the United States to the date of return thereto.—*Act of Mar. 4, 1915 (38 Stat., 1067).*

934. Employees on harbor boats, in lieu of subsistence.—That * * * of the appropriation hereby made shall be available for additional pay of employees on harbor boats, quartermaster service, in lieu of subsistence.—*Annual appropriation act.*

935. Authority for making allotments of pay.—The Secretary of War is hereby authorized to permit, under such regulations as he may prescribe, * * * any permanent civilian employee under the jurisdiction of the War Department on duty outside of the continental limits of the United States, to make allotments of his pay for the support of his wife, children, or dependent relatives, or for such other purposes as the Secretary of War may deem proper.—*Act of Oct. 6, 1917 (40 Stat., 385).*

936. Credit to disbursing officers for payment of.—All allotments of pay of * * * civilian employees that have been or shall be paid to designated allottees previous to the receipt by disbursing officer of notice of discontinuance of the same from the officer required by regulations to furnish such notice shall pass to the credit of the disbursing officer who has made or shall make such payments.—*Ibid.*

937. Erroneous payments to be collected from responsible officers.—If erroneous payment is made because of the failure of an officer to report, in the manner prescribed by the Secretary of War, the death of the grantor, or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Quartermaster General from the officer who fails to make such report, if such collection is practicable.—*Ibid.*

PAY FOR SERVICES—RESTRICTIONS, ETC.

938. To be paid from specific appropriations only.—No civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall after the first day of October next be employed in any of the executive departments, or subordinate bureaus or offices thereof at the seat of the Government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of the Government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services, and after the first day of October next section one hundred and seventy-two of the Revised Statutes, and all other laws and parts of law inconsistent with the provisions of this act, and

all laws and parts of law authorizing the employment of officers, clerks, draughtsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employees at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby repealed.—*Sec. 4, act of Aug. 5, 1882 (22 Stat., 255).*

939. Punishment for violations.—That any person violating section 4 of the legislative, executive, and judicial appropriation act approved Aug. 5, 1882 (Stat. L., vol. 22, p. 255), shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year.—*Sec. 5, act of Aug. 23, 1912 (37 Stat., 414).*

940. Permanently incapacitated persons; appropriations not available for payment of.—The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any person incapacitated otherwise than temporarily for performing such service.—*Annual appropriation act.*

941. Double salaries restricted.—Unless otherwise specially authorized by law no money appropriated by this or any other act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of two thousand dollars per annum, but this shall not apply to retired officers of the Army, Navy, or Marine Corps whenever they may be appointed or elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate, or to officers and enlisted men of the Organized Militia and Naval Militia, in the several States, Territories, and the District of Columbia.—*Sec. 6, act of May 10, 1916 (39 Stat., 120), as amended by act of Aug. 29, 1916 (39 Stat., 582).*

942. From lump-sum appropriations restricted.—No part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government.—*Sec. 7, act of Aug. 26, 1912 (37 Stat., 626), as amended by sec. 4, act of Mar. 4, 1913 (37 Stat., 790).*

943. Same.—It shall not be lawful hereafter to pay to any person, employed in the service of the United States under any general or lump-sum appropriation, any sum additional to the regular compensation received for or attached to any employment held prior to an appointment or designation as acting for or instead of an occupant of any other office or employment. This provision shall not be construed as prohibiting regular and permanent appointments by promotion from lower to higher grades of employment.—*Sec. 12, act of Aug. 1, 1914 (38 Stat., 680).*

944. Extra services, no additional compensation allowed.—No money shall be paid to any clerk employed in either Department at an annual salary, as compensation for extra services, unless expressly authorized by law.—*Sec. 170, R. S.*

945. Civilian employees, Quartermaster Corps.—The number of and total sum paid for civilian employees in the Quartermaster Corps shall be limited to the actual requirements of the service, and that no employee therein shall receive a salary of more than one hundred and fifty dollars per month, except upon the approval of the Secretary of War.—*Annual appropriation act.*

946. Rates of pay made permanent law.—That all laws or parts of laws to the extent they are inconsistent with rates of salaries or compensation appropriated by this act are repealed, and the rates of salaries or compensation of officers or employees herein appropriated shall constitute the rate of salary or compensation of such officer or employees, respectively, until otherwise fixed by annual rate of appropriation or other law.—*Sec. 6, act of July 16, 1914 (38 Stat., 509).*

947. Same.—The officers and employees of the United States whose salaries are herein appropriated for are established and shall continue from year to year to the extent they shall be appropriated for by Congress.—*Sec. 6, act of Mar. 4, 1915 (38 Stat., 1049).*

PENSION ROLL OR HONORABLE SERVICE ROLL.

948. Establishment of prohibited.—The establishment of a civil pension roll or an honorable service roll, or the exemption of any of the officers, clerks, and persons in the public service from the existing laws respecting employment in such service, is hereby prohibited.—*Sec. 4, act of Feb. 24, 1899 (30 Stat., 890).*

REDUCTIONS IN FORCE.

949. Retention of honorably discharged soldiers and sailors.—In the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped, or reduced in rank or salary. Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.—*Sec. 4, act of Aug. 24, 1912 (37 Stat., 413).*

950. Removal on charges.—No person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charge preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing, and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same.—*Sec. 6, act of Aug. 24, 1912 (37 Stat., 555).*

951. Employees not prohibited membership in society for improving conditions, etc.—Membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization

imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its object, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said Postal Service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.—*Ibid.*

TRANSFERS.

952. *Not eligible for transfer to another department until they have served three years.*—It shall not be lawful hereafter for any clerk or other employee in the classified service in any of the executive departments to be transferred from one department to another department until such clerk or other employee shall have served for a term of three years in the department from which he desires to be transferred.—*Sec. 5, act of June 22, 1906 (34 Stat., 449).*

953. *Same—Transfers from executive departments to independent establishments, and vice versa; United States Shipping Board included.*—That section five of the act of June twenty-second, nineteen hundred and six, prohibiting the transfer of employees from one executive department to another shall apply with equal force and effect to the transfer of employees from executive departments to independent establishments, and vice versa, and to the transfer of employees from one independent establishment to another: *Provided*, That the United States Shipping Board Emergency Fleet Corporation shall be considered a Government establishment for the purposes of this section.—*Sec. 6, act of Oct. 6, 1917 (40 Stat., 383).*

TRAVEL ALLOWANCE.

954. *Actual expenses.*—On and after July first, nineteen hundred and fourteen, unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of five dollars per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of official duties.—*Sec. 1, act of Apr. 6, 1914 (38 Stat., 318).*

955. *Per diem allowance.*—The heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding four dollars in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law. For the fiscal year nineteen hundred and sixteen and annually thereafter estimates of appropriations from which per diem allowances are to be paid shall specifically state the rates of such allowance.—*Sec. 13, act of Aug. 1, 1914 (38 Stat., 680).*

INJURIES RECEIVED IN THE SERVICE.

956. Compensation for; exceptions.—The United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death.—*Act of Sept. 7, 1916 (39 Stat., 743).*

957. No pay during first three days.—That during the first three days of disability the employee shall not be entitled to compensation except as provided in section nine. No compensation shall at any time be paid for such period.—*Sec. 2, ibid.*

958. Total disability.—That if the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of his monthly pay, except as hereinafter provided.—*Sec. 3, ibid.*

959. Partial disability.—That if the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him.—*Sec. 4, ibid.*

960. Same—No pay if refusing to work.—That if a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, he shall not be entitled to any compensation.—*Sec. 5, ibid.*

961. Monthly compensation to minors and learners; decrease for old age.—That the monthly compensation for total disability shall not be more than sixty-six dollars and sixty-seven cents nor less than thirty-three dollars and thirty-three cents, unless the employee's monthly pay is less than thirty-three dollars and thirty-three cents, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than sixty-six dollars and sixty-seven cents. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective, the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity.—*Sec. 6, ibid.*

962. Other pay, etc., restricted, pensions excepted.—That as long as the employee is in receipt of compensation under this act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States.—*Sec. 7, ibid.*

963. Leave with pay to be used first.—That if at the time the disability begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall begin on the fourth day of disability after the annual or sick leave has ceased.—*Sec. 8, ibid.*

964. Medical, surgical, and hospital services, transportation if necessary.—That immediately after an injury sustained by an employee while in the performance of his duty, whether or not disability has arisen, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund.—*Sec. 9, ibid.*

965. Allowances in case of death.—That if death results from the injury within six years the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury:

(A) To the widow, if there is no child, thirty-five per centum. This compensation shall be paid until her death or marriage.

(B) To the widower, if there is no child, thirty-five per centum, if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto ten per centum for each child, not to exceed a total of sixty-six and two-thirds per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support.

(D) To the children, if there is no widow or widower, twenty-five per centum for one child and ten per centum additional for each additional child, not to exceed a total of sixty-six and two-thirds per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and

incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per centum.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per centum to such dependent; if more than one are wholly dependent, thirty per centum, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per centum divided among such dependents share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of sixty-six and two-thirds per centum.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the terms "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. The term "parent" includes stepparents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death. The terms "adopted" and "adoption" as used in this clause include only legal adoption prior to the time of the injury.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

(K) In computing compensation under this section, the monthly pay shall be considered not to be more than one hundred dollars nor less than fifty dol-

lars, but the total monthly compensation shall not exceed the monthly pay computed as provided in section twelve.

(L) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.—*Sec. 10, ibid.*

966. *Burial expenses allowed.*—That if death results from the injury within six years the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed \$100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury.—*Sec. 11, ibid.*

967. *Computation of employees' monthly pay.*—That in computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account.—*Sec. 12, ibid.*

968. *Wage-earning capacity if partially disabled.*—That in the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account.—*Sec. 13, ibid.*

969. *Lump sum commutations; computation of.*—That in cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than five dollars a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.—*Sec. 14, ibid.*

970. *Written notice of injury required.*—That every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail.—*Sec. 15, ibid.*

971. Preparation of written notice.—That the notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice.—*Sec. 16, ibid.*

972. Written notice necessary to secure pay.—That unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury.—*Sec. 17, ibid.*

973. Claim must be filed.—That no compensation under this act shall be allowed to any person, except as provided in section thirty-eight, unless he or some one on his behalf shall, within the time specified in section twenty, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate.—*Sec. 18, ibid.*

974. Forms, etc.—That every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section.—*Sec. 19, ibid.*

975. Time for making claims.—That all original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year.—*Sec. 20, ibid.*

976. Medical examinations; suspension of pay on refusal.—That after the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.—*Sec. 21, ibid.*

977. Reexamination if physicians disagree.—That in case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination.—*Sec. 22, ibid.*

978. Examination fees.—That fees for examinations made on the part of the United States under sections twenty-one and twenty-two by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section twenty-one, shall be paid out of the appropriation for the work of the commission.—*Sec. 23, ibid.*

979. Superior officer to report injury.—That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require.—*Sec. 24, ibid.*

980. Assignment of claims void.—That any assignment of a claim for compensation under this act shall be void and all compensation and claims therefor shall be exempt from all claims of creditors.—*Sec. 25, ibid.*

981. Assignment of action for damages in case of legal liability upon some other person.—If an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name. If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this act.

The cause of action when assigned to the United States may be prosecuted or compromised by the commission, and if the commission realizes upon such cause of action, it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury.—*Sec. 26, ibid.*

982. Application of damages received by employee from another party.—That if an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit

and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him on account of the same injury. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury.—*Sec. 27, ibid.*

983. *Employees' Compensation Commission, establishment of.*—That a commission is hereby created, to be known as the United States Employees' Compensation Commission, and to be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. No more than two of said commissioners shall be members of the same political party. One of said commissioners shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and at the expiration of each of said terms, the commissioner then appointed shall be appointed for a period of six years. Each commissioner shall receive a salary of four thousand dollars a year. The principal office of said commission shall be in Washington, District of Columbia, but the said commission is authorized to perform its work at any place deemed necessary by said commission, subject to the restrictions and limitations of this act.—*Sec. 28, ibid.*

984. *Jurisdiction of all other offices, etc., transferred.*—Upon the organization of said commission and notification to the heads of all executive departments that the commission is ready to take up the work devolved upon it by this act, all commissions and independent bureaus, by or in which payments for compensation are now provided, together with the adjustment and settlement of such claims, shall cease and determine, and such executive departments, commissions, and independent bureaus shall transfer all pending claims to said commission to be administered by it. The said commission may obtain, in all cases, in addition to the reports provided in section twenty-four, such information and such reports from employees of the departments as may be agreed upon by the commission and the heads of the respective departments.—*Sec. 28a, ibid.*

985. *Authority to issue subpoenas for attendance of witnesses.*—That the commission, or any commissioner by authority of the commission, shall have power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the commission.—*Sec. 29, ibid.*

986. *Rules and regulations to be made by commission.*—That the commission is authorized to make necessary rules and regulations for the enforcement of this act, and shall decide all questions arising under this act.—*Sec. 32, ibid.*

987. *Employees' compensation fund.*—That there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of five hundred thousand dollars, to be set aside as a separate fund in the

Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this act, including the medical, surgical, and hospital services and supplies provided by section nine, and the transportation and burial expenses provided by sections nine and eleven. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund.—*Sec. 35, ibid.*

988. Determination of claims.—The commission, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make a finding of facts thereon and make an award for or against payment of the compensation provided for in this act. Compensation when awarded shall be paid from the employees' compensation fund.—*Sec. 36, ibid.*

989. Review, etc., of awards.—That if the original claim for compensation has been made within the time specified in section twenty, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation.—*Sec. 37, ibid.*

990. Cancellation of awards made by mistake.—That if any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund.—*Sec. 38, ibid.*

991. Punishment for false statements, etc.—That whoever makes, in any affidavit required under section four or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than two thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.—*Sec. 39, ibid.*

992. Construction of terms used.—That wherever used in this act—
The singular includes the plural and the masculine includes the feminine.
The term "employee" includes all civil employees of the United States and of the Panama Railroad Company.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section twenty-eight.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury.—*Sec. 40, ibid.*

993. Inconsistent laws repealed; settlement for prior injuries.—That all acts or parts of acts inconsistent with this act are hereby repealed: *Provided, however,* That for injuries occurring prior to the passage of this act compensation shall be paid under the law in force at the time of the passage of this act.—*Sec. 41, ibid.*

PRINTING AND BINDING.

994. Illustrations, etc., restricted.—Hereafter no part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same, nor in any document or report of any executive department or other Government establishment until the head of the executive department or Government establishment shall certify in a letter transmitting such report that the illustration is necessary and relates entirely to the transaction of public business.—*Sec. 1, act of Mar. 3, 1905 (33 Stat., 1213).*

995. Printing of books restricted.—Hereafter no book or document not having to do with the ordinary business transactions of the executive departments shall be printed on the requisition of any executive department or unless the same shall have been expressly authorized by Congress.—*Sec. 1, act of Mar. 3, 1905 (33 Stat., 1249).*

996. Filing devices, etc., to be charged to allotment for printing and binding.—The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any executive department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the department or Government establishment requiring the same.—*Act of June 28, 1902 (32 Stat., 481).*

997. Annual estimates to be submitted.—Hereafter there shall be submitted in the regular annual estimates to Congress under and as a part of the expenses for "Printing and binding," estimates for all printing and binding required by each of the executive departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and after the fiscal year nineteen hundred and seven no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any executive department or other Government establishment in the District of Columbia: *Provided*, That nothing in this section shall apply to stamped envelopes, or envelopes and articles of stationery other than letterheads and noteheads, printed in the course of manufacture—*Sec. 2, act of June 30, 1906 (34 Stat., 762).*

998. Public documents; to be printed in two or more editions.—The number of copies of any public document or report now authorized to be printed or which may hereafter be authorized to be printed for any of the executive departments, or bureaus or branches thereof, or independent offices of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the official head of such department or independent office, but in no case shall the aggregate of said editions exceed the number of copies now authorized, or which may hereafter be authorized.—*Joint Res., Mar. 30, 1906 (34 Stat., 826).*

999. By contract or in open market, in time of war.—In time of actual hostilities the Secretary of War may procure from commercial or other printing establishments, by contract or open market purchase, such printing and binding as may be required for the use of the Army and also for the National Guard of

the several States and Territories and of the District of Columbia or other military forces while in the military service of the United States or about to be called into said service, payment for such printing and binding to be made from available appropriations.—*Act of May 12, 1917 (40 Stat., 75).*

1000. Appropriations to be charged under Public Resolution 13.—Hereafter, in the printing and binding of documents or reports emanating from the executive departments, bureaus, and independent offices of the Government, the cost of which is now charged to the allotment for printing and binding for Congress, or to appropriations or allotments of appropriations other than those made to the executive departments, bureaus, or independent offices of the Government, the cost of illustrations, composition, stereotyping, and other work involved in the actual preparation for printing, apart from the creation of manuscript, shall be charged to the appropriation or allotment of appropriation for the printing and binding of the department, bureau, or independent office of the Government in which such documents or reports originate; the balance of cost shall be charged to the allotment for printing and binding for Congress, and to the appropriation or allotment of appropriation of the executive department, bureau, or independent office of the Government, in proportion to the number delivered to each; the cost of any copies of such documents or reports distributed otherwise than through Congress, or the executive departments, bureaus, and independent offices of the Government, if such there be, shall be charged as heretofore.—*Act. of Mar. 30, 1906 (34 Stat., 825).*

1001. Same; estimate to be furnished annually by Public Printer.—On or before the first day of December in each fiscal year each executive department, bureau, or independent office of the Government to which an appropriation or allotment of appropriation for printing and binding is made, shall obtain from the Public Printer an estimate of the probable cost of all publications of such department, bureau, or independent office now required by law to be printed, and so much thereof as would, under the terms of this resolution, be charged to the appropriation or allotment of appropriation of the department, bureau, or independent office of the Government in which such publications originate, shall thereupon be set aside to be applied only to the printing and binding of such documents and reports, and shall not be available for any other purpose until all of such allotment of cost on account of such document and reports shall have been fully paid.—*Ibid.*

1002. Printing restriction.—No part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose.—*Annual appropriation act.*

1003. Annual reports; printing of restricted.—Appropriations herein and hereafter made for printing and binding shall not be used for any annual report or the accompanying documents unless the copy therefor is furnished to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the fifteenth day of October of each year; copies of the annual reports on or before the fifteenth day of

November of each year; complete revised proofs of the accompanying documents and the annual reports on the tenth and twentieth days of November of each year, respectively; and all of said annual reports and accompanying documents shall be printed, made public, and available for distribution not later than within the first five days after the assembling of each regular session of Congress.—*Sec. 3, act of July 1, 1916 (39 Stat., 336).*

PUBLIC LANDS.

ACQUISITION OF.

1004. Purchases to be authorized by law.—No land shall be purchased on account of the United States, except under a law authorizing such purchase.—*Sec. 3736, R. S.*

1005. Assent of States to purchases.—The President of the United States is authorized to procure the assent of the legislature of any State within which any purchase of land has been made for the erection of forts, magazines, dock-yards, arsenals, and other needful buildings without such consent having been obtained.—*Sec. 1838, R. S.*

1006. Acquisition by condemnation.—In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses he shall be, and hereby is, authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the United States circuit or district courts of the district wherein such real estate is located shall have jurisdiction of proceedings for such condemnation, and it shall be the duty of the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this act, or such other officer, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.—*Sec. 1, act of Aug. 1 1888 (25 Stat., 357).*

1007. Same; Procedure.—The practice, pleadings, forms, and modes of proceeding in causes arising under the provisions of this act shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State within which such circuit or district courts are held, any rule of the court to the contrary notwithstanding.—*Sec. 2, ibid.*

1008. Same; immediate purchase at reasonable price; acceptance of donations; limitation of expenditures.—Hereafter the Secretary of War may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement, by condemnation, of any land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided*, That when the owner of such land, or rights pertaining thereto, shall fix a price for the same, which, in the opinion of the Secretary of War, shall be reasonable, he may purchase the same at such price without further delay: *Provided further*, That the Secretary of War is hereby authorized

to accept on behalf of the United States donations of lands, or rights pertaining thereto, required for the above-mentioned purposes: *And provided further*, That nothing herein contained shall be construed to authorize an expenditure, or to involve the Government in any contract or contracts for the future payment of money, in excess of the sums appropriated therefor.—*Sec. 1, act of Aug. 18, 1890 (26 Stat., 316)*.

1009. Jurisdiction over purchased land.—The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever, * * * over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.—*Art. I, sec. 8, Constitution of the United States*.

1010. Release of interest.—Whenever any lands have been or shall be conveyed to individuals or officers, for the use or benefit of the United States, the President is authorized to obtain from such person a release of his interest to the United States.—*Sec. 3752, R. S.*

1011. Title.—No public money shall be expended upon any site or land purchased by the United States for the purpose of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building, of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments respectively.—*Sec. 355, R. S.*

1012. Leases; lands in Hawaii.—The Secretary of War is authorized to acquire leases in such lands in Hawaii as have been set aside for purposes of a military post.—*Act of June 28, 1902 (32 Stat., 464)*.

EASEMENTS.

1013. Extension of State, county, and territorial roads across military reservations.—The Secretary of War shall have authority, in his discretion, to permit the extension of State, county, and territorial roads across military reservations; to permit the landing of ferries, the erection of bridges thereon; and permit cattle, sheep, or other stock animals to be driven across such reservation, whenever in his judgment the same can be done without injury to the reservation or inconvenience to the military forces stationed thereon.—*Sec. 6, Act of July 5, 1884 (23 Stat., 104)*.

DISPOSITION—REVOCABLE LEASES.

1014. Power to dispose of vested in Congress.—The Congress shall have power to dispose of and make all needful rules and regulations respecting the

territory or other property belonging to the United States.—*Art. IV, sec. 3, par. 2, Constitution of the United States.*

1015. Disposition of useless military reservations.—Whenever, in the opinion of the President of the United States, the lands or any portion of them, included within the limits of any military reservation heretofore or hereafter declared, have become or shall become useless for military purposes, he shall cause the same, or so much thereof as he shall designate, to be placed under the control of the Secretary of the Interior for disposition as hereinafter provided, and shall cause to be filed with the Secretary of the Interior a notice thereof.—*Sec. 1, act of July 5, 1884 (23 Stat., 103).*

1016. Grants to municipal corporations of abandoned military reservations.—The President is hereby authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place.—*Sec. 1, act of Mar. 3, 1893 (27 Stat., 593).*

1017. Secretary of War authorized to lease certain public property; mineral, etc., lands excepted.—Authority is hereby given to the Secretary of War, when in his discretion it will be for the public good, to lease, for a period not exceeding five years and revocable at any time, such property of the United States under his control as may not for the time be required for public use and for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress: *Provided*, That nothing in this act contained shall be held to apply to mineral or phosphate lands.—*Act of July 28, 1892 (27 Stat., 321).*

1018. American National Red Cross, buildings for storage purposes, etc.—Authority is hereby given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster.—*Sec. 10, act of June 3, 1916 (39 stat., 173).*

MILITARY RESERVATIONS, PHILIPPINE ISLANDS.

1019. Transfer of property, etc., to Philippine Government.—All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as has been or shall be designated by the President of the United States for military and other reservations of the Government of the United States, and all lands which may have been subsequently acquired by the government of the Philippine Islands by purchase under the provisions of sections sixty-three and sixty-four of the act of Congress approved July first, nineteen hundred and two, except such as may have heretofore been sold and disposed of in accordance with the provisions of said act of Congress, are hereby placed under the control of the government of said islands to be administered or disposed of for the benefit of the inhabitants thereof, and the Philippine Legislature shall have power to legislate with respect to all such matters as it may deem advisable;

but acts of the Philippine Legislature with reference to land of the public domain, timber, and mining, hereafter enacted, shall not have the force of law until approved by the President of the United States: *Provided*, That upon the approval of such an act by the Governor General, it shall be by him forthwith transmitted to the President of the United States, and he shall approve or disapprove the same within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved: *Provided further*, That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and, being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the government of said islands full control and power to administer and dispose of such lands for the benefit of the inhabitants of said islands.—*Sec. 9, act of Aug. 29, 1916 (39 Stat., 547).*

1020. Government authorized to grant franchises, privileges, etc.—The government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said Provinces or municipalities: *Provided*, That no private property shall be damaged or taken for any purpose under this section without just compensation, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise or right shall be granted to any individual, firm, or corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or right of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. That all franchises of rights granted under this act shall forbid the issue of stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the Province or municipality within which such franchises are granted and exercised: *Provided further*, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, or franchises for doing business in said islands, in an action or proceeding brought for that purpose in any court of competent jurisdiction by any officer of the Philippine government, or on the complaint of any citizen of the Philippines, under such regula-

tions and rules as the Philippine Legislature shall prescribe, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not more than \$10,000.—*Sec. 28, ibid, p. 555.*

PRESERVATION OF AMERICAN ANTIQUITIES.

1021. *Penalty for unauthorized excavations, etc.*—Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.—*Act of June 8, 1906 (34 Stat., 225).*

1022. *Setting apart of historic, etc., public lands.*—The President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a park thereon parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim, or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.—*Sec. 2, ibid.*

1023. *Permits for excavations, etc.*—Permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdiction may be granted by the Secretary of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.—*Sec. 3, ibid.*

1024. *Regulations, etc.*—The Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this act.—*Sec. 4, ibid.*

RIGHTS OF WAY.

1025. *To canal or ditch companies.*—The right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company or drainage district formed for the purpose of irrigation or drainage and duly organized under the laws of any State or Territory, and which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under

the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.—*Sec. 18, act of Mar. 13, 1891 (26 Stat., 1101), as amended by act of Mar. 4, 1917 (39 Stat., 1197).*

1026. Same.—That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections eighteen, nineteen, twenty, and twenty-one of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation or drainage.—*Sec. 2, act of May 11, 1898 (30 Stat., 404), as amended by act of Mar. 4, 1917 (39 Stat., 1197).*

1027. Through reservations, etc.—The Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of Title LXV of the Revised Statutes of the United States and amendments thereto regulating rights of way for telegraph companies over public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right or easement or interest in, to, or over any public land, reservation, or park.—*Act of Feb. 15, 1901 (31 Stat., 790).*

1028. For electric lines.—The head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment. That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.—*Act of Mar. 4, 1911 (36 Stat., 1253).*

1029. Forfeiture of certain railroad rights of way.—Each and every grant of right of way and station grounds heretofore made to any railroad corporation under the act of Congress approved March third, eighteen hundred and seventy-five, entitled "An act granting to railroads the right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby free and discharged from any easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right of way or station grounds: *Provided*, That no right of way on which construction is progressing in good faith at the time of the passage of this act shall be in anywise affected, validated, or invalidated by the provisions of this act.—*Act of Feb. 25, 1909 (35 Stat., 647).*

PUBLIC MONEYS.

ACCOUNTS OF LINE OFFICERS, ETC.

1030. Of individual quartermasters, to be analyzed and recorded in detail.—Hereafter all the accounts of individual paymasters shall be analyzed under the several heads of the appropriation and recorded in detail by the Paymaster General of the Army before said accounts are forwarded to the Treasury Department for final audit.—*Act of Mar. 2, 1905 (33 Stat., 832).*

1031. Of line officers, for pay due.—The Auditor for the War Department shall audit and settle the accounts of line officers of the Army, to the extent of the pay due them for their services as such, notwithstanding the inability of

any such line officer to account for the property intrusted to his possession, or to make his monthly reports or returns, if such auditor shall be satisfied by the affidavit of the officer or otherwise that the inability was caused by the officer having been a prisoner in the hands of the enemy, or by any accident or casualty of war.—*Sec. 278, R. S.*

1032. *Of enlisted men, where it is necessary to file evidence of honorable discharge.*—In all cases where it has become necessary for any officer or enlisted man of the Army to file his evidence of honorable discharge from the military service of the United States, to secure the settlement of his accounts, the accounting officer with whom it has been filed shall, upon application by said officer or enlisted man, deliver to him such evidence of honorable discharge; but his accounts shall first be duly settled, and the fact, date, and amount of such settlement shall be clearly written across the face of such evidence of honorable discharge and attested by the signature of the accounting officer before it is delivered.—*Sec. 282, R. S.*

1033. *Decision of comptroller in advance of payment.*—Disbursing officers, or the head of any executive department, or other establishment not under any of the executive departments, may apply for and the Comptroller of the Treasury shall render his decision upon any question involving a payment to be made by them or under them, which decision, when rendered, shall govern the Auditor and the Comptroller of the Treasury in passing upon the account containing said disbursement.—*Sec. 8, Act of July 31, 1894 (28 Stat., 207).*

ACCOUNTS OF LINE OFFICERS, ETC.

1034. *Accounts of disbursing officers unchanged for three years.*—The amounts, except such as are provided for in section three hundred and six, of the accounts of every kind of disbursing officer, which shall have remained unchanged, or which shall not have been increased by any new deposit thereto, nor decreased by drafts drawn thereon, for the space of three years, shall in like manner be covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof shall, on the certificate of the Treasurer that such amount has been deposited in the Treasury, be credited by the proper accounting officer of the Department of the Treasury on the books of the department, to the officer in whose name it had stood on the books of any agency of the Treasury, if it appears that he is entitled to such credit.—*Sec. 309, R. S.*

1035. *Premiums on sales to be accounted for.*—No officer of the United States shall, either directly or indirectly, sell or dispose of to any person, for a premium, any Treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office.—*Sec. 3652, R. S.*

1036. *Failure of disbursing officers to render accounts; penalty.*—Whenever any officer employed in the civil, military, or naval service of the Government, to disburse the public money appropriated for those branches of the public service, respectively, fails to render his accounts, or to pay over, in the manner and in the times required by law, or by the regulations of the department

to which he is accountable, any sum of money remaining in his hands, it shall be the duty of the proper auditor, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified the account of such delinquent officer to the Solicitor of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the six preceding sections.—*Sec. 3633, R. S., as amended by sec. 4, act of July 31, 1894 (28 Stat., 206).*

ACCOUNTS—EXAMINATION AND INSPECTION OF.

1087. *Inspection of disbursements made by officers of the Army.*—It shall be the duty of the Secretary of War to cause frequent inquiries to be made as to the necessity, economy, and propriety of all disbursements made by disbursing officers of the Army, and as to their strict conformity to the law appropriating the money; also to ascertain whether the disbursing officers of the Army comply with the law in keeping their accounts and making their deposits; such inquiries to be made by officers of the inspection department of the Army, or others detailed for that purpose: *Provided*, That no officer so detailed shall be in any way connected with the department, or corps making the disbursement.—*Act of Apr. 20, 1874 (18 Stat., 33).*

1088. *Accounts of officers in the District of Columbia to be subject to inspection and examination.*—All books, papers, and other matters relating to the accounts of officers of the Government in the District of Columbia shall at all times be subject to inspection and examination of the Comptroller of the Treasury and the Auditor of the Treasury authorized to settle such accounts, or by the duly authorized agents of either of said officials.—*Sec. 5, act of Mar. 15, 1898 (30 Stat., 316).*

1089. *Rules and regulations for proper administrative examination, etc.*—It shall also be the duty of the heads of the several executive departments, and of the proper officers of other Government establishments not within the jurisdiction of any executive department to make appropriate rules and regulations to secure a proper administrative examination of all accounts sent to them, as required by section twelve of this act, before the transmission to the auditors, and for the execution of other requirements of this act in so far as the same relate to the several departments or establishments.—*Sec. 22, act of July 31, 1894 (28 Stat., 211).*

1040. *Examination, etc., of by Auditor for the War Department.*—The Auditor for the War Department shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of War and all bureaus and offices under his direction, all accounts relating to the military establishment, armories, and arsenals, national cemeteries, fortifications, public buildings and grounds under the Chief of Engineers, rivers and harbors, the Military Academy, and to all other business within the jurisdiction of the Department of War, and certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate to the Secretary of War.—*Sec. 7, act of July 31, 1894 (28 Stat., 206).*

1041. *Administrative examination of accounts by heads of bureaus.*—Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July thirty-first, eighteen

hundred and ninety-four, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except those vouchers heretofore prepared outside of Washington may continue to be so prepared and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States.—*Act of Aug. 23, 1912 (37 Stat., 375).*

1042. *Where administrative examination has not been had.*—In the case of claims presented to an auditor which have not had an administrative examination, the auditor shall cause them to be examined by two of his subordinates independently of each other.—*Sec. 14, act of July 31, 1894 (28 Stat., 210).*

ACCOUNTS—KEEPING AND RENDITION OF.

1043. *Forms for to be prescribed by Comptroller of Treasury.*—The Comptroller of the Treasury shall, under the direction of the Secretary of the Treasury, prescribe the forms of keeping and rendering all public accounts, except those relating to the postal revenues and expenditures therefrom.—*Sec. 5, act of July 31, 1894 (28 Stat., 206).*

1044. *Transmission of monthly, etc., accounts; auditor may disapprove requisitions for advances on delinquency.*—All monthly accounts shall be mailed or otherwise sent to the proper officer at Washington within ten days after the end of the month to which they relate, and quarterly and other accounts within twenty days after the period to which they relate, and shall be transmitted to and received by the auditors within twenty days of their actual receipt at the proper office in Washington in the case of monthly and sixty days in the case of quarterly and other accounts. Should there be any delinquency in this regard at the time of the receipt by the auditor of a requisition for an advance of money, he shall disapprove the requisition, which he may also do for other reasons arising out of the condition of the officer's accounts for whom the advance is requested; but the Secretary of the Treasury may overrule the auditor's decision as to the sufficiency of these latter reasons.—*Sec. 12, ibid., p. 209.*

1045. *Time for examination of monthly, extended from twenty to sixty days.*—The time for examination of monthly accounts, covering expenditures from appropriations for the Army, by the bureaus and offices of the War Department, after the date of actual receipt and before transmitting the same to the Auditor for the War Department, as limited by section twelve, act approved July thirty-first, eighteen hundred and ninety-four, is hereby extended from twenty to sixty days.—*Act of Mar. 2, 1901 (31 Stat., 910).*

1046. *Rules, etc., for mailing, to be prescribed by Secretary of Treasury.*—The Secretary of the Treasury shall prescribe suitable rules and regulations, and make orders in particular cases, relaxing the requirement of mailing or otherwise sending accounts, as aforesaid, within ten or twenty days, or waiving delinquency, in such cases only in which there is, or is likely to be, a manifest physical difficulty in complying with the same, it being the purpose of this provision to require the prompt rendition of accounts without regard to the mere convenience of the officers, and to forbid the advance of money to those delinquent in rendering them.—*Sec. 12, act of July 31, 1894 (28 Stat., 209).*

1047. Rendition of accounts of disbursing officers; how often.—Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the bureau to which they pertain, within ten days after the expiration of each successive month, and, after examination there, shall be passed to the proper accounting officer of the Treasury. In case of the nonreceipt at the Treasury, or proper Bureau, of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. Nothing herein contained shall, however, be construed to restrain the heads of any of the Departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of Departments, as the public interests may require.—*Sec. 3622, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 249). and act of July 31, 1894 (28 Stat., 209).*

NOTE.—Time for rendition of monthly accounts modified by following paragraph.

1048. Rendition of accounts of disbursing officers; how often.—Hereafter all disbursing officers of the United States shall render their accounts quarterly; and the Secretary of the Senate shall render his accounts as heretofore; but the Secretary of the Treasury may direct any or all such accounts to be rendered more frequently when in his judgment the public interests may require.—*Sec. 4, act of Aug. 30 1890 (26 Stat., 413).*

NOTE.—Upon the recommendation of the Secretary of War, the Secretary of the Treasury directed that disbursing officers of the Quartermaster, Subsistence, and Pay Departments render their accounts monthly. (G. O. 114, A. G. O., Oct. 4, 1890.)

On May 11, 1892, the above action of the Secretary of the Treasury was modified so as to permit officers of the Army attached to United States legations to render their accounts quarterly instead of monthly. (Q. M. G. O. Card No. 32000, May 12, 1892. 2 Dig., 2, Comp., sec. 586.)

The Secretary of the Treasury, by Treasury Circular No. 79, dated May 25, 1892, has directed in effect that from and after July 1, 1892, the disbursing officers of the Government shall, unless otherwise directed, render their accounts monthly instead of quarterly. (4 Dig., 2 Comp., sec. 12.)

1049. Receiving officers to render distinct accounts of application of.—All officers, agents, or other persons receiving public moneys shall render distinct accounts of the application thereof, according to the appropriation under which the same may have been advanced to them.—*Sec. 3623, R. S.*

1050. Entry of each sum received, etc., to be kept.—All persons charged by law with the safekeeping, transfer, and disbursement of the public moneys, other than those connected with the Post Office Department, are required to keep an accurate entry of each sum received and of each payment or transfer.—*Sec. 3643, R. S.*

1051. Account of disbursements to be made by distinct items.—Hereafter all officers, agents, or other persons receiving public moneys appropriated by this or any subsequent Army appropriation act shall account for the disbursement thereof according to the several and distinct items of appropriation expressed in such act.—*Act of July 5, 1884 (23 Stat., 113).*

ACCOUNTS CONTRACTED ABROAD.

1052. *To be audited abroad; authority conferred on Secretary of Treasury.*—That the Secretary of the Treasury is authorized during the war, whenever it shall appear that the public interests require that any of the accounts of the Military Establishment be audited at any place other than the seat of Government, to direct the Comptroller of the Treasury and the Auditor for the War Department to exercise, either in person or through assistants, the powers and perform the duties of their offices at any place or places away from the seat of Government in the manner that is or may be required by law at the seat of Government and in accordance with the provisions of this section.—*Sec. 12, Act of Sept. 24, 1917 (40 Stat., 293).*

1053. *Powers conferred on the comptroller, auditor, and their assistants.*—That when the Secretary of the Treasury shall exercise the authority herein referred to, the powers and duties of the said comptroller and auditor, under and pursuant to the provisions of the act of July thirty-first, eighteen hundred and ninety-four, and all other laws conferring jurisdiction upon those officers, shall be exercised and performed in the same manner as nearly as practicable and with the same effect away from the seat of Government as they are now exercised and performed and have effect at the seat of Government, and decisions authorized by law to be rendered by the comptroller at the request of disbursing officers may be rendered with the same effect by such assistants as may be authorized by him to perform that duty.—*Ibid.*

1054. *Balances to be certified by auditor, to be final and conclusive; exception.*—That when pursuant to this section the said comptroller and auditor shall perform their duties at a place in a foreign country, the balances arising upon the settlement of accounts and claims of the Military Establishment shall be certified by the auditor to the Division of Bookkeeping and Warrants of the Treasury Department as now provided for the certification of balances by said auditor in Washington, and the balances so found due shall be final and conclusive upon all branches of the Government, except that any person whose account has been settled or the commanding officer of the Army abroad, or the comptroller may obtain a revision of such settlement by the comptroller upon application therefor within three months, the decision to be likewise final and conclusive and the differences arising upon such revision to be certified to and stated by the auditor as now provided by law.—*Ibid.*

1055. *Certificates of balances in lieu of warrants permissible.*—Certificates of balances may be transmitted to and paid by the proper disbursing officer abroad instead of by warrant.—*Ibid.*

1056. *Revision of settlements at close of war.*—That any person whose account has been settled, or the Secretary of War, may obtain a reopening and review of any settlement made pursuant to this section upon application to the Comptroller of the Treasury in Washington within one year after the close of the war, and the action of the comptroller thereon shall be final and conclusive in the same manner as herein provided in the case of a balance found due by the auditor.—*Ibid.*

1057. *All papers and vouchers to be preserved; time for transmission of.*—That the comptroller and auditor shall preserve the accounts and the vouchers and papers connected therewith, and the files of their offices in the foreign country and transmit them to Washington within six months after the close

of the war and at such earlier time as may be directed by the Secretary of the Treasury as to any or all accounts, vouchers, papers, and files.—*Ibid.*

1058. Assistant auditor and comptroller to be appointed.—That the Secretary of the Treasury is authorized to appoint an assistant comptroller and an assistant auditor and to fix their compensation, and to designate from among the persons to be employed hereunder one or more to act in the absence or disability of such assistant comptroller and assistant auditor. He shall also prescribe the number and maximum compensation to be paid to agents, accountants, clerks, translators, interpreters, and other persons who may be employed in the work under this section by the comptroller and auditor. The assistant comptroller and assistant auditor shall have full power to perform in a foreign country all the duties with reference to the settlement there of the accounts of the Military Establishment that the comptroller and auditor now have at the seat of Government and in foreign countries under the provisions of this section, and shall perform such duties in accordance with the instructions received from and rules and regulations made by the comptroller and auditor. Such persons as are residing in a foreign country when first employed hereunder shall not be required to take an oath of office or be required to be employed pursuant to the laws, rules, and regulations relating to the classified civil service, nor shall they be reimbursed for subsistence expenses at their post of duty or for expenses in traveling to or from the United States.—*Ibid.*, p. 294.

1059. Examination and rendition of accounts; administrative examination by War Department waived.—That it shall be the duty of all contracting, purchasing, and disbursing officers to allow any representative of the comptroller or auditor to examine all books, records, and papers in any way connected with the receipt, disbursement, or disposal of public money, and to render such accounts and at such times as may be required by the comptroller. No administrative examination by the War Department shall be required of accounts rendered and settled abroad, and the time within which these accounts shall be rendered by disbursing officers shall be prescribed by the comptroller, who shall have power to waive any delinquency as to time or form in the rendition of these accounts. All contracts connected with accounts to be settled by the auditor abroad shall be filed in his office there.—*Ibid.*

1060. Oaths pertaining to accounts; by whom administered.—That the comptroller and the auditor, and such persons as may be authorized in writing by either of them, may administer oaths to American citizens in respect to any matter within the jurisdiction of either of said officers and certify the official character, when known, of any foreign officer whose jurat or certificate may be necessary on any paper to be filed with them.—*Ibid.*, 295.

1061. Authority for employees to purchase Army stores for cash.—That persons engaged in work abroad under the provisions of this section may purchase from Army stores for cash and at cost price for their own use such articles or stores as may be sold to officers and enlisted men.—*Ibid.*

1062. Authority contained in foregoing to terminate at close of war.—That the authority granted under this section shall terminate six months after the close of the war or at such earlier date as the Secretary of the Treasury may direct, and it shall be the duty of the comptroller and auditor to make such reports as the Secretary of the Treasury may require of the expenditures

made and work done pursuant to this section, and such reports shall be transmitted to the Congress at such time as he may decide to be compatible with the public interest.—*Ibid.*

ACCOUNTS—REVISION OF.

1063. *Certified balances conclusive on executive departments, etc.*—The balances which may from time to time be certified by the auditors to the division of bookkeeping and warrants, or to the Postmaster General, upon the settlements of public accounts, shall be final and conclusive upon the executive branch of the Government, except that any person whose accounts have been settled, the head of the executive department or of the board, commission, or establishment not under the jurisdiction of an executive department to which the account pertains, or the Comptroller of the Treasury may, within a year, obtain a revision of the said account by the Comptroller of the Treasury, whose decision upon such revision shall be final and conclusive upon the executive branch of the Government: *Provided*, That the Secretary of the Treasury may, when in his judgement the interests of the Government require it, suspend payment and direct the reexamination of any account.—*Sec. 8, act of July 31, 1894 (28 Stat., 207).*

ACCOUNTS—SETTLEMENT OF.

1064. *Of particular accounts.*—The Comptroller of the Treasury, in any case where, in his opinion, the interests of the Government require it, shall direct any of the auditors forthwith to audit and settle any particular account which such auditor is authorized to audit and settle.—*Sec. 271, R. S., as amended by Sec. 6, act of July 31, 1894 (28 Stat., 206).*

1065. *Certificate of differences on revision.*—Upon a certificate by the Comptroller of the Treasury of any differences ascertained by him upon revision, the auditor who shall have audited the account shall state an account of such differences and certify it to the division of bookkeeping and warrants, except that balances found and accounts stated as aforesaid by the Auditor for the Post Office Department for postal revenues and expenditures therefrom shall be certified to the Postmaster General.—*Sec 8, act of July 31, 1894 (28 Stat., 208).*

1066. *Between the Signal Corps and other bureaus.*—Hereafter in the settlement of transactions between appropriations under the Signal Corps, or between the Signal Corps and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Signal Corps, or of the office, bureau, or department concerned.—*Act of Aug. 29, 1916 (39 Stat., 622).*

1067. *Between Engineer Department and another office or bureau of the War Department.*—Hereafter in the settlement of transactions between appropriations under the Engineer Department, or between the Engineer Department and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Corps of Engineers or of the office, bureau, or department concerned.—*Act of Apr. 27, 1914 (38 Stat., 369).*

1068. *Between Medical Department and any other bureau or office of the War Department, etc.*—Hereafter in the settlement of accounts between the

appropriations of the Medical Department and those of any other branch of the Army service, or any bureau or office of the War Department, or any other executive department or establishment of the Government, payment thereof may be made by the proper disbursing officer of the Medical Department or of the branch of the Army service, office, bureau, department, or establishment concerned.—*Act of Mar. 4, 1915 (39 Stat., 1080).*

1069. Suits for recovery of balances due the United States.—Whenever any person accountable for public money neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States upon the adjustment of his account the Comptroller of the Treasury shall institute suit for the recovery of the same, adding to the sum stated to be due on such account the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per centum per annum from the time of receiving the money until it shall be repaid into the Treasury.—*Sec. 3624, R. S.*

ADVANCES OF—FUNDS.

1070. Restriction governing.—No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled can not be regularly effected.—*Sec. 3648, R. S.*

1071. Authorized for subscriptions to newspapers, magazines, etc.—Hereafter subscriptions to periodicals, which have been certified in writing by the respective heads of the executive departments or other Government establishment to be required for official use, may be paid in advance from appropriations available therefore.—*Sec. 5, act of Mar. 4, 1915. (38 Stat., 1049).*

1072. Same.—Hereafter subscriptions to newspapers, magazines, periodicals, and other publications, purchased from funds of the Quartermaster Corps, may be paid for in advance.—*Act of Apr. 27, 1914 (38 Stat., 362).*

1073. Advances in case of delay in transmitting accounts.—Should there be a delay by the administrative departments beyond the aforesaid twenty or sixty days in transmitting accounts, an order of the President (or, in the event of the absence from the seat of Government or sickness of the President, an order of the Secretary of the Treasury) in the particular case shall be necessary to authorize the advance of money requested.—*Sec. 12, Act of July 31, 1894, as amended by act of Mar. 2, 1895 (28 Stat., 807).*

1074. Requisitions for, to be sent to auditor for action.—Every requisition for an advance of money, before being acted on by the Secretary of the Treasury, shall be sent to the proper auditor for action thereon as required by section twelve of this act.—*Sec. 11, act of July 31, 1894 (28 Stat., 209).*

1075. To contractors, during present emergency (War of 1917).—The Secretary of War and the Secretary of the Navy are authorized, during the period of the existing emergency, from appropriations available therefor to advance payments to contractors for supplies for their respective departments in amounts not exceeding thirty per centum of the contract price of such supplies: *Provided*, That such advances shall be made upon such terms as the Secretary of War and the Secretary of the Navy, respectively, shall prescribe and they shall require adequate security for the protection of the Government for the payments so made.—*Sec. 5, act of Oct. 6, 1917 (40 Stat., 383).*

CHECKS—LOST, ETC.

1076. Duplicates of lost, etc., checks, may be issued.—That whenever any original check is lost, stolen, or destroyed disbursing officers and agents of the United States are authorized, within three years from the date of such check, to issue a duplicate check, under such regulations in regard to its issue and payment, and upon the execution of such bond, with sureties, to indemnify the United States, and proof of loss of original checks, as the Secretary of the Treasury shall prescribe.—*Sec. 3646, R. S., as amended by act of Feb. 16, 1885; act of Mar. 23, 1906; act of June 19, 1906; act of May 27, 1908; act of Feb. 23, 1909; and act of Mar. 21, 1916 (39 Stat., 37).*

1077. Lost, etc., checks, in case of death of issuing officer.—In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued is dead or no longer in the service of the United States, it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury may prescribe, to state an account in favor of the owner of such original check for the amount thereof and to charge such amount to the account of such officer or agent.—*Sec. 3647, R. S., as amended by act of May 27, 1908 (35 Stat., 415), and act of Feb. 23, 1909 (35 Stat., 644).*

CHECKS—OUTSTANDING.

1078. Liabilities outstanding three or more years.—At the termination of each fiscal year all amounts of moneys that are represented by certificates, drafts, or checks issued by the Treasurer, or by any disbursing officer of any department of the Government upon the Treasurer or any assistant treasurer or designated depository of the United States, or upon any national bank designated as a depository of the United States, and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such certificates, drafts, or checks were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities."—*Sec. 306, R. S.*

1079. Vouchers for drafts remaining unpaid.—The certificate of the Secretary of the Treasury stating that the amount of any draft issued by the Treasurer, to facilitate the payment of a warrant directed to him for payment, has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury in the manner prescribed by the preceding section, shall be, when attached to any such warrant, a sufficient voucher in

satisfaction of any such warrant or part of any warrant, the same as if the drafts correctly indorsed and fully satisfied were attached to such warrant or part of warrant. And all such moneys mentioned in this and in the preceding section shall remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and checks.—*Sec. 307, R. S., as amended by sec. 16, act of July 31, 1894 (28 Stat., 210).*

1080. *Payment upon presentation of outstanding drafts.*—The payee or the bona fide holder of any draft or check the amount of which has been deposited and covered into the Treasury pursuant to the preceding sections, shall, on presenting the same to the proper officer of the Treasury, be entitled to have it paid by the settlement of an account and the issuing of a warrant in his favor, according to the practice in other cases of authorized and liquidated claims against the United States.—*Sec. 308, R. S.*

1081. *Reports of outstanding accounts to be rendered.*—The Treasurer, each assistant treasurer, and each designated depository of the United States, and the cashier of each of the national banks designated as such depositories, shall, at the close of business on every thirtieth day of June, report to the Secretary of the Treasury the condition of every account standing, as in the preceding section specified, on the books of their respective offices, stating the name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates, respectively, of the last credit and the last debit made to each account.—*Sec. 310, R. S., as amended by act of July 1, 1916 (39 Stat., 336).*

1082. *Outstanding and unpaid for three years or more; report to be made by auditor, and accepted in lieu of returns of disbursing officers.*—Hereafter at the termination of each fiscal year each auditor of the Treasury shall report to the Secretary of the Treasury all checks issued by any disbursing officer of the Government as shown by his accounts rendered to such auditor, which shall then have been outstanding and unpaid for three years or more, stating fully in such report the name of the payee, for what purpose each check was given, the officer on which drawn, the number of the voucher received therefor, the date, the number, and the amount for which it was drawn, and, when known, the residence of the payee. And such reports shall be in lieu of the returns required of disbursing officers by section three hundred and ten of the Revised Statutes.—*Sec. 5, act of July 1, 1916 (39 Stat., 336).*

CONTINGENT FUND.

1083. *Apportionment of amount to be expended by each office or bureau.*—All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, * * * and in case said apportionments are waived or modified as herein provided, the executive department

or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating the provisions of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month.—*Sec. 3, act of Feb. 27, 1906 (34 Stat., 49).*

1084. *Same.*—In addition to the apportionment required by the so-called anti-deficiency act, approved February twenty-seventh, nineteen hundred and six (Statutes at Large, volume thirty-four, page forty-nine), the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and hereafter there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, District of Columbia, which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus.—*Sec. 6, act of Aug. 23, 1912 (37 Stat., 414).*

RESTRICTIONS.

1085. *Application of.*—No part of the contingent fund appropriated to any department, bureau, or office shall be applied to the purchase of any article except such as the head of the department shall deem necessary and proper to carry on the business of the department, bureau, or office, and shall, by written order, direct to be procured.—*Sec. 3683, R. S.*

DEPOSIT AND SAFE-KEEPING OF.

1086. *Duty of disbursing officers.*—It shall be the duty of every disbursing officer having any public money intrusted to him for disbursement to deposit the same with the Treasurer or some one of the assistant treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law and draw for the same only in favor of the persons to whom payment is made; and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury or an assistant treasurer of the United States. In places, however, where there is no treasurer or assistant treasurer the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors.—*Sec. 3620, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 249).*

1087. *To be deposited thirty days after receipt; duplicate receipts to be issued. etc.*—Every person who shall have moneys of the United States in his hands or possession and disbursing officers having moneys in their possession not required for current expenditure shall pay the same to the Treasurer, an assistant treasurer, or some public depository of the United States without delay, and in all cases within thirty days of their receipt. And the Treasurer, the assistant

treasurer, or the public depository shall issue duplicate receipts for the moneys so paid, transmitting forthwith the original to the Secretary of the Treasury, and delivering the duplicate to the depositor: *Provided*, That postal revenues and debts due to the Post Office Department shall be paid into the Treasury in the manner now required by law.—*Sec. 3621, R. S., as amended by sec. 5, act of May 28, 1896 (29 Stat., 179).*

1088. Duties of officers as custodians of public moneys.—All public officers of whatsoever character are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper department or officer of the Government to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law or by any regulation of the Treasury Department made in conformity to law. * * *.—*Sec. 3639, R. S.*

1089. Deposit of without deduction.—The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided in the next section, shall be paid to the officer or agent receiving the same into the Treasury, at as early a date as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever.—*Sec. 3617, R. S.*

1090. Penalty for noncompliance with above provisions.—Every officer or agent who neglects or refuses to comply with the provisions of section thirty-six hundred and seventeen shall be subject to be removed from office, and to forfeit to the United States any share or part of the moneys withheld, to which he might otherwise be entitled.—*Sec. 3619, R. S.*

DEPOSITARIES.

1091. National banks designated as; duties, liabilities, etc.—All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government: *Provided*, That the Secretary shall, on or before the first of January of each year, make a public statement of the securities required during that year for such deposits. And every association so designated as receiver or depository of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks: *Provided*, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections.—*Sec. 5153, R. S., as amended by act of Mar. 3, 1901 (31 Stat., 1448); act of Mar. 4, 1907 (34 Stat., 1290); act of Dec. 23, 1913 (38 Stat., 274); and act of Aug. 4, 1914 (38 Stat., 682).*

1092. Designation of, in Cuba, Porto Rico, and Philippine Islands; security to be given, etc.—The Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands and in the islands of Cuba and Porto Rico in which public moneys may be deposited: *Provided*, That the banks or bankers thus designated shall give satisfactory security for the safe-keeping and prompt payment of the public moneys so deposited by depositing in the Treasury United States bonds to an amount not less than the aggregate sum at any time on deposit with such bank or bankers: *And provided further*, That this act shall apply to Cuba only while occupied by the United States.—*Act of June 6, 1900 (31 Stat., 658).*

1093. In the Philippine Islands, requirement of security waived.—The treasury of the Philippine Islands and such banking associations in said islands with a paid up capital of not less than two million dollars and chartered by the United States or any State thereof as may be designated by the Secretary of War and the Secretary of the Treasury of the United States shall be depositories of public money of the United States, subject to the provisions of existing law governing such depositories in the United States: *Provided*, That the treasury of the government of said islands shall not be required to deposit bonds in the Treasury of the United States, or to give other specific securities for the safe-keeping of public money except as prescribed, in his discretion, by the Secretary of War.—*Sec. 85, act of July 1, 1902 (32 Stat., 711).*

DISBURSEMENTS.

1094. Application of moneys appropriated.—All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made and for no others.—*Sec. 3678, R. S.*

1095. Expenses of commissions or inquiries, payable only from special appropriations therefor.—No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges.—*Sec. 3681, R. S.*

1096. Payment of expenses or compensation of any commission, council, board, etc., unless created by law, forbidden.—Hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law.—*Act of Mar. 23, 1910 (36 Stat., 257).*

1097. In case of insufficient balances.—Hereafter whenever pressing obligations are required to be paid by a disbursing officer of the Quartermaster's Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been apportioned by the Quartermaster General for the expenditure. When such

disbursements are made the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the accounting officers of the Treasury.—*Act of Mar. 3, 1909 (35 Stat., 747).*

1098. Pay of the Army, except mileage, to be disbursed as one fund.—All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage to commissioned officers, contract surgeons, expert accountant, Inspector General's Department, Army field clerks, and field clerks of the Quartermaster Corps, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps, as pay of the Army, and for that purpose shall constitute one fund.—*See annual appropriation acts.*

1099. For purchase of subsistence stores for sales to officers, etc.—So much of the appropriation for subsistence of the Army as may be necessary may be applied to the purchase of subsistence stores for sale to officers for the use of themselves and their families, and to commanders of companies or other organizations for the use of the enlisted men of their companies or organizations.—*Act of Mar. 3, 1875 (18 Stat., 410).*

1100. Funds in personal possession, for payment of small amounts.—Hereafter officers intrusted with the disbursement of funds for the subsistence of the Army are hereby authorized to keep, at their own risk, in their personal possession for disbursement, such restricted amounts of subsistence funds for facilitating payments of small amounts to public creditors as shall from time to time be authorized by the Secretary of War.—*Act of Mar. 2, 1907 (34 Stat., 1166).*

1101. Authority to intrust moneys to other officers making disbursements.—Hereafter, under such regulations as may be prescribed by the Secretary of War, officers of the Quartermaster Corps accountable for public moneys may intrust such moneys to other officers for the purpose of having them make disbursements as their agents, and the officers to whom the moneys are intrusted, as well as the officers who intrust it to them, shall be held pecuniarily responsible therefor to the United States.—*Act of May 12, 1917 (40 Stat., 50).*

1102. Charge against fund "Pay of the Army" of detained pay.—Hereafter sums known as detained pay, which have already been or may hereafter be withheld from the monthly pay of enlisted men of the Army in obedience to court-martial sentences, shall, when repaid, become a charge against the fund "Pay of the Army" for the year in which said enlisted men have been or may be discharged.—*Act of Aug. 6, 1894 (28 Stat., 236).*

1103. Premium for recruits may be paid to third and fourth class postmasters.—The President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistments of recruits for the Army, and for each recruit accepted for enlistment in the Army, the postmaster procuring his enlistment shall receive the sum of \$5.—*Sec. 27, act of June 3, 1916 (39 Stat., 186).*

EMBEZZLEMENT.

1104. Disbursing officers unlawfully using, etc.—Whoever, being a disbursing officer of the United States, or a person acting as such, shall in any manner convert to his own use, or loan with or without interest, or deposit in any

place or in any manner, except as authorized by law, any public money intrusted to him; or shall, for any purpose not prescribed by law, withdraw from the Treasurer or any assistant treasurer, or any authorized depositary, or transfer, or apply, any portion of the public money intrusted to him, shall be deemed guilty of an embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both.—*Sec. 87, act of Mar. 4, 1909 (35 Stat., 1105).*

1105. Custodian failing to keep, etc.—Every officer or other person charged by any act of Congress with the safekeeping of the public moneys, who shall loan, use, or convert to his own use, or shall deposit in any bank or exchange for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safekeeping, shall be guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined in a sum equal to the amount of money so embezzled and imprisoned not more than ten years.—*Sec. 89, ibid.*

1106. Failure of officers to render accounts.—Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emoluments, fails to render his accounts for the same as provided by law, shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled and imprisoned not more than ten years.—*Sec. 90, ibid.*

1107. Failure to deposit as required.—Whoever, having money of the United States in his possession or under his control, shall fail to deposit it with the Treasurer, or some assistant treasurer, or some public depositary of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof and shall be fined in a sum equal to the amount of money embezzled and imprisoned not more than ten years.—*Sec. 91, ibid.*

1108. Persons affected.—The provisions of the five preceding sections shall be construed to apply to all persons charged with the safekeeping, transfer, or disbursement of the public money, whether such persons be indicted as receivers or depositaries of the same.—*Sec. 92, ibid.*

1109. Record evidence of embezzlement.—Upon the trial of any indictment against any person for embezzling public money under any provision of the six preceding sections, it shall be sufficient evidence, prima facie, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases, under the provisions for the settlement of accounts between the United States and receivers of public moneys.—*Sec. 93, ibid.*

1110. Prima facie evidence.—The refusal of any person, whether in or out of office, charged with the safekeeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of

any indictment against such person for embezzlement, *prima facie* evidence of such embezzlement.—*Sec. 94, ibid, p. 1106.*

1111. Evidence of conversion.—If any officer charged with the disbursement of the public moneys, accepts, receives, or transmits to the Treasury Department, to be allowed in his favor, any receipt or voucher from a creditor of the United States, without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion, by such officer, to his own use, of the amount specified in such receipt or voucher.—*Sec. 95, ibid.*

1112. Officers interested in claims against the United States.—Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, * * * shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim or receiving any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both.—*Sec. 109, ibid, p. 1107.*

1113. Official accepting bribe.—Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof, or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.—*Sec. 117, ibid, p. 1109.*

1114. Embezzlement.—Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than five thousand dollars or imprisoned not more than five years, or both.—*Sec. 47, ibid, p. 1097.*

1115. Embezzling, stealing, etc., from United States deemed felony; penalty.—Any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry

or have in possession of said property so embezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or both, at the discretion of the court before which he shall be convicted.—*Act of Mar. 3 1875 (18 Stat., 479).*

1116. Receiving, etc., stolen public property.—Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender.—*Sec. 48, act of Mar. 4, 1909 (35 Stat., 1098).*

ESTIMATES.

1117. Annual estimates to be submitted to Congress.—All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the Book of Estimates prepared under his direction.—*Sec. 3669, R. S.*

1118. Departmental estimates to be furnished for Book of Estimates before October 15 annually, etc.—Hereafter it shall be the duty of the heads of the several executive departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the fifteenth day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction, and in case of failure to furnish estimates as herein required it shall be the duty of the Secretary of the Treasury to cause to be prepared in the Treasury Department, on or before the first day of November of each year, estimates for such appropriations as in his judgment shall be requisite in every such case, which estimates shall be included in the Book of Estimates prepared by law under his direction for the consideration of Congress.—*Sec. 5, act of Mar. 3, 1901 (31 Stat., 1009).*

1119. Estimates of appropriations and for deficiencies to be transmitted through Secretary of Treasury, etc.—Hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the Chief of the Division of Warrants, Estimates, and Appropriations of his department.—*Sec. 2, July 7, 1884 (23 Stat., 254).*

1120. Estimates to follow order of preceding year's appropriations.—Hereafter the estimates for expenses of the Government except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation acts for the year preceding. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any executive department may be submitted by note in the estimates.—*Sec. 4, act of June 22, 1906 (34 Stat., 448).*

1121. Annual estimates to be made as now required by law.—Until otherwise provided by law, the regular annual estimates of appropriations for expenses of the Government of the United States shall be prepared and submitted to Congress, by those charged with the duty of such preparation and submission, only in the form and at the time now required by law, and in no other form and at no other time.—*Sec. 9, act of Aug. 23, 1912 (37 Stat., 415).*

1122. All estimates to be included in Book of Estimates; special or additional estimates to state necessity, etc.—Hereafter the heads of the several executive departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted, or when deemed imperatively necessary for the public service by the department in which they shall originate, in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates.—*Sec. 4, act of June 22, 1906 (34 Stat., 448).*

1123. Manner of communicating estimates.—The heads of departments, in communicating estimates of expenditures and appropriations to Congress, or to any of the committees thereof, shall specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They shall also give references to any law or treaty by which the proposed expenditures are, respectively, authorized, specifying the date of each, and the volume and page of the Statutes at Large, or of the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found.—*Sec. 3660, R. S.*

1124. Estimates for printing and binding.—The head of each of the executive departments, and every other public officer who is authorized to have printing and binding done at the Congressional Printing Office, for the use of his department or public office, shall include in his annual estimate for appropriations for the next fiscal year such sum or sums as may to him seem necessary "for printing and binding, to be executed under the direction of the Congressional Printer."—*Sec. 3661, R. S.*

NOTE.—The Congressional Printing Office was designated the Government Printing Office and the Congressional Printer was designated the Public Printer by provisions of act of July 31, 1876 (19 Stat., 102), superseded by the printing and binding act of Jan. 12, 1895.

1125. Requisites of estimates for appropriations for public works.—Whenever any estimate submitted to Congress by the head of a department asks an appropriation for any new specific expenditure, such as the erection of a public building, or the construction of any public work, requiring a plan before the building or work can be properly completed, such estimate shall be accompanied by full plans and detailed estimates of the cost of the whole work. All subsequent estimates for any such work shall state the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the current year for which such estimate is made. And if the amount asked for is in excess of the original estimate, the full reasons for the excess, and the extent of the

anticipated excess, shall be also stated.—*Sec. 3663, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 249).*

1126. Amount of outstanding appropriations to be designated.—The head of each department, in submitting to Congress his estimates of expenditures required in his department during the year then approaching, shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required for each particular item of expenditure.—*Sec. 3665, R. S.*

1127. Estimates for salaries.—All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution.—*Sec. 3662, R. S.*

1128. Estimates for payment of judgments.—Hereafter estimates for the payment of all judgments against the United States, including judgments in Indian depredation claims and of United States courts, shall be transmitted to Congress through the Treasury Department as other estimates of appropriations are required to be transmitted.—*Act of Apr. 27, 1904 (33 Stat., 422).*

1129. Estimates of expenditures for repairs, etc., of public buildings.—Hereafter the Secretary of the Treasury shall annually report to Congress in the Book of Estimates a statement of the expenditure of the appropriation for "repairs and preservation of public buildings" which shall show the amount expended on each public building and the number of persons employed and paid salaries from such appropriations.—*Act of Aug. 30, 1890 (26 Stat., 374).*

1130. Estimates for transportation of the Army and its supplies.—Estimates for the next fiscal year shall be submitted to the Congress of the United States covering transportation of the Army and its supplies in one estimate, and additional estimates shall be submitted covering other items heretofore carried in appropriation bills under the head of transportation of the Army and its supplies.—*Act of Mar. 2, 1907 (34 Stat., 1170).*

1131. Estimates not conforming to requirements to be rearranged.—When estimates hereafter transmitted to the Treasury for submission to Congress do not in form and arrangement comply with the provisions of section four of the legislative, executive, and judicial appropriation act, approved June twenty-second, nineteen hundred and six, under direction of the Secretary of the Treasury, be rearranged so as to comply with said requirements of law.—*Sec. 4 act of Mar. 4, 1909 (39 Stat., 907).*

1132. Statement of sales of old material.—A detailed statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind except materials, stores, or supplies sold to officers and soldiers of the Army, or to exploring or surveying expeditions authorized by law shall be included in the appendix to the Book of Estimates.—*Sec. 3672, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 249).*

1133. Same—Separate communication to be submitted.—Hereafter the statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind shall be submitted to Congress at the beginning of each regular session thereof as a separate communication and shall not hereafter be included in the annual Book of Estimates.—*Sec. 6, act of June 25, 1910 (36 Stat., 773).*

1184. Estimates affecting revenues of District of Columbia.—That hereafter copies of all estimates of appropriations in any way affecting the revenues of the District of Columbia shall be furnished to the Commissioners of said District on or before October first of each year.—*Sec. 6, act of Mar. 3, 1917 (39 Stat., 1046).*

1185. Special or additional estimates to conform to section 4, act of June 22, 1906.—The Secretary of the Treasury shall not hereafter transmit special or additional estimates of appropriations to Congress unless they shall conform to the requirements of section four of the Act approved June twenty-second, nineteen hundred and six (Thirty-fourth Statute, page four hundred and forty-eight).—*Sec. 4, act of Sept. 8, 1916 (39 Stat., 830).*

1186. Commencement of fiscal year.—The fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, * * * shall commence on the first day of July in each year; and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year as thus established.—*Sec. 237, R. S., as amended by act of Oct. 1, 1890 (26 Stat., 646).*

1187. Additional explanations required.—Whenever the head of a department, being about to submit to Congress the annual estimates of expenditures required for the coming year, finds that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items are not heretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added.—*Sec. 3664, R. S.*

1188. Estimates for general or lump-sum appropriations; statements required, etc.—Section six of the sundry civil appropriation act approved August twenty-fourth, nineteen hundred and twelve, is amended to read as follows:

“Sec. 6. That there shall be submitted hereafter, in the annual Book of Estimates, following every estimate for a general or lump-sum appropriation, except public buildings or other public works constructed under contract, a statement showing in parallel columns:

“First. The number of persons, if any intended to be employed and the rates of compensation of each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate, including a statement of estimated unit cost of any construction work proposed to be done; and

“Second. The number of persons, if any, employed at the rate of compensation paid each, and the amounts expended for each other object or class of expenditure, and the actual unit cost of any construction work done, out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

“Other notes shall not be submitted following any estimate embraced in the annual Book of Estimates other than such as shall suggest changes in form or order of arrangement of estimates and appropriations and reasons for such changes.”—*Sec. 10, act of Aug. 1, 1914 (38 Stat., 680).*

1139. *Same—Uniform methods to be prescribed, etc.*—The information required in connection with estimates for general or lump-sum appropriations by section ten of the sundry civil appropriation act, approved August first, nineteen hundred and fourteen, shall be submitted hereafter according to uniform and concise methods, which shall be prescribed by the Secretary of the Treasury, but with reference to estimates for pay of mechanics and laborers there shall be submitted in detail only the ratings and trades and the rates per diem paid or to be paid.—*Sec. 4, act of July 1, 1916 (39 Stat., 336).*

1140. *Official to be designated by each department to supervise and prepare, etc.*—Hereafter the head of each executive department and other Government establishment shall, on or before July first in every fiscal year, designate from among the officials employed therein one person whose duty it shall be to supervise the classification and compilation of all estimates of appropriations, including supplemental and deficiency estimates to be submitted by such department or establishment. In the performance of their duties persons so designated shall have due regard for the requirements of all laws respecting the preparation of estimates, including the manner and time of their submission through the Treasury Department to Congress; they shall also, as nearly as may be practicable, eliminate from all such estimates unnecessary words and make uniform the language commonly used in expressing purposes or conditions of appropriations.—*Sec. 3, act of June 23, 1913 (38 Stat., 75).*

EXCHANGE OF.

1141. *Restriction governing.*—No exchange of funds shall be made by any disbursing officer or agent of the Government of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes, shall make his payments in the moneys so furnished; or when they are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be the duty of the head of the proper department immediately to suspend from duty any disbursing officer or agent who violates the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties as the President may deem just and proper.—*Sec. 3651, R. S.*

LOST FUNDS AND PROPERTY.

1142. *Credit for lost funds.*—Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed, as a credit in the settlement of his accounts.—*Sec. 147, act of Mar. 3, 1911 (36 Stat., 1137).*

1143. Deductions for property lost in transit.—Hereafter moneys arising from deductions made from carriers on account of the loss of or damage to military stores in transit shall be credited to the proper appropriation or funds out of which such or similar stores shall be replaced.—*Sec. 1, act of Mar. 2, 1905 (33 Stat., 840).*

OFFENSES IN CONNECTION WITH THE SAFE-KEEPING AND DISBURSEMENT OF.

1144. Receipting for larger sums than paid.—Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, who shall pay to any clerk or other employee of the United States a sum less than that provided for by law, and require such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld from any employee of the Government and imprisoned not more than two years.—*Sec. 86, act of Mar. 4, 1909 (35 Stat., 1105).*

1145. False certificates, etc.—Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.—*Sec. 106, ibid., p. 1107.*

1146. Extortion by officials.—Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.—*Sec. 85, ibid., p. 1104.*

1147. Contracting beyond specific appropriations.—Whoever, being an officer of the United States, shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined not more than two thousand dollars and imprisoned not more than two years.—*Sec. 98, ibid., p. 1106.*

PROCEEDS OF SALES.

1148. Sale of condemned stores, etc.—All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except the proceeds of the sale or leasing of marine hospitals, or of the sales of revenue cutters, or of the sales of commissary stores to the officers and enlisted men of the Army, or of materials, stores, or supplies sold to officers or soldiers of the Army, or of the sale of condemned Navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law shall be deposited and covered into the Treasury as miscellaneous receipts, on account of "Proceeds of Government property," and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law.—*Sec. 3618, R. S., as amended by act Feb. 27, 1877 (19 Stat., 249).*

1149. *Sale of subsistence stores, etc., to officers and enlisted men, etc.*—All moneys received from the leasing or sale of marine hospitals, or the sale of revenue cutters, or from the sale of commissary stores to officers and enlisted men of the Army, or from the sale of materials, stores, or supplies sold to officers and soldiers of the Army, or from sales of condemned clothing of the Navy, or from sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall respectively revert to that appropriation out of which they were originally expended, and shall be applied to the purposes for which they are appropriated by law.—*Sec. 3692, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 249).*

1150. *Sale of subsistence supplies or stores, to be covered into Treasury, etc.*—Hereafter all moneys arising from sales of subsistence supplies or stores, authorized by law and regulations, shall be covered into the Treasury to the credit of the proper appropriation and shall remain available throughout the fiscal year following that in which the sales were effected, for the purpose of that appropriation from which such supplies or stores were authorized to be supplied at the time of the sales.—*Act of Apr. 27, 1914 (38 Stat., 361).*

1151. *Sale of condemned stores, etc., expenses of to be paid from proceeds.*—From the proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, before being deposited into the Treasury, either as miscellaneous receipts on account of "Proceeds of Government property," or to the credit of the appropriations to which such proceeds are by law authorized to be made, there may be paid the expenses of such sales, as approved by the accounting officers of the Treasury, so as to require only the net proceeds of such sales to be deposited into the Treasury, either as miscellaneous receipts or to the credit of such appropriations, as the case may be.—*Act of June 8, 1896 (29 Stat., 268).*

1152. *Sale of serviceable quartermaster stores, proceeds of available for following fiscal year.*—Hereafter all moneys arising from disposition of serviceable quartermaster's supplies or stores, authorized by law and regulations, shall remain available throughout the fiscal year following that in which the disposition was effected, for the purposes of that appropriation from which such supplies were authorized to be supplied at the time of the disposition.—*Act of Mar. 23, 1910 (36 Stat., 257).*

1153. —*Stores transferred to Insular Department of the Philippines.*—Hereafter all funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines, or work done, shall be deposited in the Treasury of the United States and remain available during the fiscal year in which the transaction occurred, and the following year for the procurement of like military stores to replace those so transferred.—*Act of June 12, 1906 (34 Stat., 258).*

1154. *Sales of surplus ice, electric light and power, and laundry work.*—Whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accord-

ance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operations of such plant is paid.—*Act of Mar. 2, 1907 (34 Stat., 1167)*. See also *annual appropriation acts*.

1155. Sales to educational institutions, to revert to appropriation from which expended.—All moneys received from the sale of stores, supplies, material of war, and military publications to educational institutions to which an officer of the Army is detailed as professor of military science and tactics shall respectively revert to that appropriation out of which they were originally expended and shall be applied to the purposes for which they are appropriated by law.—*Act of July 17, 1914 (38 Stat., 512)*.

1156. Sale of surplus cuttings of material for clothing.—Hereafter the proceeds derived from the sale of surplus cuttings of material for clothing manufactured by the Quartermaster Corps of the Army shall be deposited to the credit of that appropriation out of which the material was purchased.—*Act of Aug. 29, 1916 (39 Stat., 635)*.

1157. Statement of proceeds of sales to be rendered.—Hereafter the Secretary of the Treasury shall require, and it shall be the duty of the head of each executive department or other Government establishment to furnish him, within thirty days after the close of each fiscal year, a statement of all money arising from proceeds of public property of any kind or from any source other than the postal service, received by said head of department or other Government establishment during the previous fiscal year for or on account of the public service, or in any other manner in the discharge of his official duties other than as salary or compensation, which was not paid into the General Treasury of the United States, together with a detailed account of all payments, if any, made from such funds during such year. All such statements, together with a similar statement applying to the Treasury Department, shall be transmitted by the Secretary of the Treasury to Congress at the beginning of each regular session.—*Sec. 5, act of June 30, 1906 (34 Stat., 763)*.

1158. Subsistence—annual statement of sales not required.—Hereafter the provisions of section five of the act of June thirtieth, nineteen hundred and six (thirty-fourth Statute, page seven hundred and sixty-three), shall not be construed to apply to the Subsistence Department.—*Act of Aug. 24, 1912 (37 Stat., 579)*.

REWARD FOR APPREHENSION OF DESERTERS.

1159. Who is authorized to arrest, etc.—That United States marshals and their deputies, sheriffs and their deputies, constables, and police officers of towns and cities are hereby authorized to apprehend, arrest, and receive the surrender of any deserter from the Army for the purpose of delivering him to any person in the military service authorized to receive him.—*Sec. 3, act of June 16, 1890 (26 Stat., 158)*.

1160. Same—Extended to include any civil officer.—It shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District, to arrest offenders, summarily arrest a deserter from the military service of the United States and deliver him into the custody of the military authority of the General Government.—*Art. 106, act of Aug. 29, 1916 (39 Stat., 667).*

1161. Amount to be paid for apprehension, etc.—For the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than fifty dollars for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses.—*Act of Mar. 3, 1911 (36 Stat., 1048). See Annual appropriation acts.*

SETTLEMENTS—REVISION OF.

1162. Accepting payment on auditor's settlement conclusive.—Any person accepting payment under a settlement by an auditor shall be thereby precluded from obtaining a revision of such settlement as to any items upon which payment is accepted; but nothing in this act shall prevent an auditor from suspending items in an account in order to obtain further evidence or explanations necessary to their settlement. When suspended items are finally settled, a revision may be had as in the case of the original settlement. Action upon any account or business shall not be delayed awaiting applications for revision: *Provided*, That the Secretary of the Treasury shall make regulations fixing the time which shall expire before a warrant is issued in payment of an account certified as provided in sections seven and eight of this act.—*Sec. 8, act of July 31, 1894 (28 Stat., 208).*

WARRANTS.

1163. Moneys appropriated to be drawn from Treasury by.—All moneys appropriated for the use of the War and Navy Departments shall be drawn from the Treasury, by warrants of the Secretary of the Treasury, upon the requisitions of the Secretaries of those departments, respectively, countersigned by the Second Comptroller of the Treasury and registered by the proper auditor.—*Sec. 3673, R. S.*

1164. To be countersigned by Comptroller of Treasury, etc.—All warrants, when authorized by law and signed by the Secretary of the Treasury, shall be countersigned by the Comptroller of the Treasury, and all warrants for the payment of money shall be accompanied either by the auditor's certificate, mentioned in section seven of this act, or by the requisition for advance of money, which certificate or requisition shall specify the particular appropriation to which the same should be charged, instead of being specified on the warrant, as now provided by section thirty-six hundred and seventy-five of the Revised Statutes; and shall also go with the warrant to the Treasurer, who shall return the certificate or requisition to the proper auditor, with the date and amount of the draft issued indorsed thereon. Requisitions for the payment of money on all audited accounts, or for covering money into the Treasury, shall not hereafter be required, and requisitions for advance of money shall not be countersigned by the Comptroller of the Treasury.—*Sec. 11, act of July 31, 1894 (28 Stat., 209).*

1165. Subject to draft of the Treasurer.—All public moneys paid into any depository shall be subject to the draft of the Treasurer of the United States, drawn agreeably to appropriations made by law.—*Sec. 3593, R. S.*

THE AUDITOR FOR THE WAR DEPARTMENT.

1166. Designation changed to.—The Auditors of the Treasury shall hereafter be designated as follows: * * * The Second Auditor as Auditor for the War Department. * * * The designations of the deputy auditors and other subordinates shall correspond with those of the auditors. And each deputy auditor in addition to the duties now required to be performed by him, shall sign, in the name of the auditor, such letters and papers as the auditor may direct.—*Sec. 3, act of July 31, 1894 (28 Stat., 205).*

1167. Comptroller, auditors, etc., not new offices.—This act, so far as it relates to the First Comptroller of the Treasury and the several auditors and deputy auditors of the Treasury, shall be held and construed to operate merely as changing their designations (to Comptroller of the Treasury, and auditors for the various departments, etc.) and as adding to and modifying their duties and powers, and not as creating new officers.—*Sec. 9, ibid., p. 208.*

1168. Division of Warrants and Bookkeeping established.—The Division of Warrants, Estimates, and Appropriations in the office of the Secretary of the Treasury is hereby recognized and established as the Division of Bookkeeping and Warrants. It shall be under the direction of the Secretary of the Treasury as heretofore. Upon the books of this division shall be kept all accounts of receipts and expenditures of public money except those relating to the postal revenues and expenditures therefrom; and section three hundred and thirteen and so much of sections two hundred and eighty-three and thirty-six hundred and seventy-five of the Revised Statutes as require those accounts to be kept by certain auditors and the Register of the Treasury are repealed.—*Sec. 10, ibid., p. 208.*

1169. Auditors to recover debts.—The auditors, under the direction of the Comptroller of the Treasury, shall superintend the recovery of all debts finally certified by them, respectively, to be due to the United States.—*Sec. 4, ibid., p. 206.*

1170. Auditors to preserve accounts finally adjusted.—The auditors shall, under the direction of the Comptroller of the Treasury, preserve, with their vouchers and certificates, all accounts which have been finally adjusted.—*Sec. 8, ibid., p. 208.*

1171. Auditor for War Department, duties of.—The Auditor for the War Department shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of War and all bureaus and offices under his direction, all accounts relating to the Military Establishment, armories and arsenals, national cemeteries, fortifications, public buildings and grounds under the Chief of Engineers, rivers and harbors, the Military Academy, and to all other business within the jurisdiction of the Department of War, and certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate to the Secretary of War.—*Sec. 7, ibid. p. 206.*

1172. Manner of keeping accounts of the War Department.—The auditors charged with the examination of the accounts of the Departments of War and

of the Navy, shall keep all accounts of the receipts and expenditures of the public money in regard to those departments, and of all debts due to the United States on moneys advanced relative to those departments; shall receive from the Second Comptroller the accounts which shall have been finally adjusted, and shall preserve such accounts, with their vouchers and certificates, and record all requisitions drawn by the Secretaries of those departments, the examination of the accounts of which have been assigned to them.—*Sec. 283, R. S., as modified by act of July 31, 1894 (128 Stat., 208).*

1178. Clerk to be detailed to sign bounties, certificates, etc.—The second auditor may detail one clerk to sign, in the place of the auditor, all certificates and papers issued under any provisions of law relating to bounties; but the auditor shall be responsible for the official acts of such clerk.—*Sec. 279, R. S.*

THE COMPTROLLER OF THE TREASURY.

1174. Designation and duties of.—The offices of Commissioner of Customs, Deputy Commissioner of Customs, Second Comptroller, Deputy Second Comptroller, and Deputy First Comptroller of the Treasury are abolished, and the First Comptroller of the Treasury shall hereafter be known as Comptroller of the Treasury. He shall perform the same duties and have the same powers and responsibilities (except as modified by this act) as those now performed by or appertaining to the First and Second Comptrollers of the Treasury and the Commissioner of Customs; and all provisions of law not inconsistent with this act, in any way relating to them or either of them, shall hereafter be construed and held as relating to the Comptroller of the Treasury.—*Sec. 4, act of July 31, 1894 (28 Stat., 205).*

1175. Power to regulate payment of arrears of pay.—The Comptroller of the Treasury may prescribe rules to govern the payment of arrears of pay due to any petty officer, seaman, or other person not an officer, on board any vessel in the employ of the United States, which has been sunk or destroyed, in the case of the death of such petty officer, seaman, or person, to the person designated by law to receive the same.—*Sec. 274, R. S., as amended by act of July 31, 1894 (28 Stat., 205).*

1176. Inspection of books, accounts of disbursing officers, etc., by Comptroller and auditors.—All books, papers, and other matters relating to the office or accounts of disbursing officers of the executive departments, and commissions, boards, and establishments of the Government in the District of Columbia shall at all times be subject to inspection and examination by the Comptroller of the Treasury and the Auditor of the Treasury authorized to settle such accounts, or by the duly authorized agents of either of said officials.—*Act of Feb. 19, 1897 (29 Stat., 550).*

PUBLIC PROPERTY.

ACCOUNTABILITY.

1177. Regulations to be prescribed by Secretary of War.—Hereafter the accounting for Army supplies or property and the fixing of responsibility therefor shall be according to such regulations as may be prescribed by the Secretary of War.—*Act of Aug. 29, 1916 (39 Stat., 635).*

1178. Oaths in settlement of accounts, who may administer.—The Secretary of War is authorized to detail one or more of the employees of the War De-

partment for the purpose of administering the oaths required by law in the settlement of officers' accounts for clothing, camp and garrison equipage, quartermaster's stores and ordnance, which oaths shall be administered without expense to the parties taking them.—*Sec. 225, R. S., as amended by Act of Feb. 27, 1877 (19-241).*

1179. Accounts of company commanders; affidavits to be accepted in case of loss of vouchers or company books.—In settling the accounts of the commanding officer of a company for clothing and other military supplies, the affidavit of any such officer may be received to show the loss of vouchers or company books, or any matter or circumstance tending to prove that any apparent deficiency was occasioned by unavoidable accident or loss in actual service, without any fault on his part, or that the whole or any part of such clothing and supplies had been properly and legally used and appropriated; and such affidavit may be considered as evidence to establish the facts set forth, with or without other evidence, as may seem to the Secretary of War just and proper under the circumstances of the case.—*Ibid.*

1180. System to be prescribed by Quartermaster General under direction of Secretary of War; account to be rendered.—The Quartermaster General, under the direction of the Secretary of War, shall prescribe and enforce a system of accountability for all quartermaster's supplies to the Army or to officers, seamen, and marines. And he shall account to the Secretary of War at least once in three months for all property and money that may pass through his hands or the hands of his subordinate officers.—*Sec. 1139, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 242).*

1181. Certificates of loss to be forwarded to Treasury accounting officers.—Instead of forwarding to the accounting officers of the Treasury Department returns of public property intrusted to the possession of officers or agents, the Quartermaster General, the Commissary General of Subsistence, the Surgeon General, the Chief of Engineers, the Chief of Ordnance, the Chief Signal Officer, the Paymaster General of the Navy, the Commissioner of Indian Affairs, or other like chief officers in any department, by, through, or under whom stores, supplies, and other public property are received for distribution, or whose duty it is to receive or examine returns of such property, shall certify to the proper accounting officer of the Treasury Department for debiting on the proper account any charge against any officer or agent intrusted with public property, arising from any loss, accruing by his fault, to the Government as to the property so intrusted to him.—*Sec. 1, act of Mar. 29, 1894 (28 Stat., 47).*

1182. Contents of certificates.—Said certificate shall set forth the condition of such officer's or agent's property returns, that it includes all charges made up to its date and not previously certified, that he has had a reasonable opportunity to be heard and has not been relieved of responsibility; the effect of such certificate, when received, shall be the same as if the facts therein set forth had been ascertained by the accounting officers of the Treasury Department in accounting.—*Sec. 2, Ibid.*

1183. Uniforms, equipment, etc., of enlisted men in possession of persons not soldiers.—The clothing, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and the possession of any such property by any person not a soldier or officer of the United States shall be prima-facie evidence of such

sale, barter, exchange, pledge, loan, or gift. Such property may be seized and taken from any person, not a soldier or officer of the United States, by any officer, civil or military, of the United States, and shall, thereupon, be delivered to any quartermaster or other officer authorized to receive the same.—*Sec. 1242, R. S.*

1184. *Same.*—The clothes, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a soldier, or duly authorized officer of the United States, who has possession of any such clothes, arms, military outfits, or accouterments, so furnished, and which have been the subject of any such sale, barter, exchange, pledge, loan, or gift, shall have any right, title, or interest therein; but the same may be seized and taken wherever found by any officer of the United States, civil or military, and shall thereupon be delivered to any quartermaster, or other officer authorized to receive the same. The possession of any such clothes, arms, military outfits, or accouterments by any person not a soldier or officer of the United States shall be presumptive evidence of such a sale, barter, exchange, pledge, loan, or gift.—*Sec. 3748 R. S.*

1185. *Custody of books, records, papers, furniture, etc.*—The Secretary of War shall have the custody and charge of all books, record papers, furniture, fixtures, and other property appertaining to the department.—*Sec. 217, R. S.*

LOAN OF.

1186. *Tents, loan restricted.*—Hereafter no loans of tents shall be made except to the Grand Army of the Republic and the United Confederate Veterans.—*Act of Mar. 2, 1913 (37 Stat., 1025).*

1187. *American National Red Cross.*—That the Secretary of War and the Secretary of the Navy be, and are hereby, authorized to issue, each at his discretion and under proper regulations to be prescribed by him, out of equipment for medical and other establishments on hand, belonging to the Government and which can be temporarily spared, such articles as may appear to be required for instruction and practice by organizations formed by the American National Red Cross for the purpose of rendering aid to the Army and Navy in war. That the regulations prescribed by the Secretary of War or by the Secretary of the Navy, in pursuance of the authority granted by section one, shall provide for the immediate return of the articles of equipment loaned the American National Red Cross when called for by the authority which issued them; and the said Secretaries shall require a bond in each case in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required.—*Sec. 2, act of May 8, 1914 (38 Stat., 771).*

OFFENSES AGAINST.

1188. *False, etc., returns by officers.*—Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the * * * clothing, funds, or other property thereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct. And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct.—*Fifty-seventh Article of War, act of Aug. 29, 1916 (39 Stat., 660).*

1189. Willful loss, damage, etc.—Any person subject to military law who willfully, or through neglect, suffers to be lost, spoiled, damaged, or wrongfully disposed of, any military property belonging to the United States shall make good the loss or damage and suffer such punishment as a court-martial may direct.—*Eighty-third Article of War, ibid.*

1190. Waste or unlawful disposition of by soldiers.—Any soldier who sells or wrongfully disposes of or willfully or through neglect injures or loses any horse, arms, ammunition, accouterments, equipment, clothing, or other property issued for use in the military service, shall be punished as a court-martial may direct.—*Eighty-fourth Article of War, ibid.*

1191. Unlawful purchase of public property.—Whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person, under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars and imprisoned not more than two years.—*Sec. 35, act of Mar. 4, 1909 (35 Stat., 1095).*

1191a. Robbery of personal property of United States.—Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.—*Sec. 46, act of Mar. 4, 1909 (35 Stat., 1097).*

1192. Embezzling clothing, subsistence, etc.—Whoever shall steal, embezzle, or knowingly apply to his own use, or unlawfully sell, convey, or dispose of any ordnance, arms, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or to be used for the military or naval service, shall be punished as prescribed in the preceding section.—*Sec. 36, ibid., p. 1096.*

1193. Fraudulent interference with delivery, etc., of prize property.—Whoever shall willfully do, or aid or advise in the doing, of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any disposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States or any captor or claimant of such property, shall be fined not more than ten thousand dollars, or imprisoned not more than five years, or both.—*Sec. 38, ibid.*

1194. Incendiarism.—Whoever shall maliciously set fire to, burn, or attempt to burn, or by any means destroy or injure, or attempt to destroy or injure, any arsenal, armory, magazine, ropewalk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn or stable, not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel built, building, or undergoing repair, or any lighthouse, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be fined not more than five thousand dollars and imprisoned not more than twenty years.—*Sec. 286, act of Mar. 4, 1909 (35 Stat., 1144).*

SALES—TO OFFICERS AND ENLISTED MEN.

1195. Authority for.—The officers of the Subsistence Department shall procure and keep for sale to officers and enlisted men at cost price, for cash or on credit, such articles as may from time to time be designated by the inspectors general of the Army. An account of all sales on credit shall be kept, and the amounts due for the same shall be reported monthly to the Paymaster General.—*Sec. 1144, R. S.*

1196. Purchase of subsistence stores for sales, etc.—So much of the appropriation for subsistence of the Army as may be necessary may be applied to the purchase of subsistence stores for sale to officers for the use of themselves and their families and to commanders of companies or other organizations for the use of the enlisted men of their companies or organizations.—*Act of Mar. 3, 1875 (18 Stat., 410) as amended by act of Apr. 27, 1914 (38 Stat., 361).*

1197. Sale of subsistence stores at cost price.—Hereafter all sales of subsistence supplies to officers and enlisted men shall be made at cost price only; and the cost price of each article shall be understood, in all cases of such sales, to be the invoice price of the last lot of that article received by the officer making the sale prior to the first day of the month in which the sale is made.—*Act of July 5, 1884 (23 Stat., 108).*

1198. Officers serving in the field, sale of rations to.—Commissioned officers of the Army, serving in the field, may purchase rations for their own use, from any commissary of subsistence, on credit, at cost prices; and the amounts due for such purchases shall be reported monthly to the Paymaster General.—*Sec. 1145, R. S.*

1199. Subsistence stores; officers and enlisted men of the Navy and Marine Corps.—Hereafter the officers and the enlisted men of the Navy and Marine Corps shall be permitted to purchase subsistence supplies at the same price as is charged the officers and the enlisted men of the Army; and the officers and the enlisted men of the Army shall be permitted to purchase subsistence supplies from the Navy and Marine Corps at the same price as is charged the officers and the enlisted men of the Navy and Marine Corps.—*Act of Aug. 29, 1916 (39 Stat., 630).*

1200. Same.—*Serviceable quartermaster stores.*—Articles of serviceable quartermaster property may be sold by the Quartermaster General of the Army to officers of the Navy and Marine Corps, for their use in the public service, in the same manner as these articles are now sold to officers of the Army.—*Sec. 1, act of Mar. 4, 1915 (39 Stat., 1079).*

1201. Tobacco, at cost price.—Tobacco shall be furnished to the enlisted men by the commissaries of subsistence at cost price, exclusive of the cost of transportation, in such quantities as they may require not exceeding sixteen ounces per month.—*Sec. 1149 R. S.*

SALES.

1202. Unserviceable, etc., stores, etc., authority for.—The President may cause to be sold any military stores which, upon proper inspection or survey, appear to be damaged or unsuitable for the public service. Such inspection

or survey shall be made by officers designated by the Secretary of War, and the sales shall be made under regulations prescribed by him.—*Sec. 1241, R. S.*

1203. *Ordnance and ordnance stores, price to be charged.*—Hereafter when authorized transfers or sales of ordnance or ordnance stores are made to another bureau of the War Department, or to another executive department of the Government, payment therefor shall be made by the proper disbursing officer of the bureau, office, or department concerned. When the transaction is between two bureaus of the War Department, the price to be charged shall be the cost price of the stores, including the cost of inspection. When the transaction is between the Ordnance Department and another executive department of the Government, the price to be charged shall include the cost price of the stores and the costs of inspection and transportation.—*Act of Aug. 24, 1912 (37 Stat., 589).*

1204. *To educational institutions, price to be charged.*—That, under such regulations as the Secretary of War may prescribe, educational institutions to which an officer of the Army is detailed as professor military science and tactics may purchase from the War Department for cash, for the use of their military students, such stores, supplies, material of war, and military publications as are furnished to the Army, such sales to be at the price listed to the Army with the cost of transportation added.—*Act of July 17, 1914 (38 Stat., 512).*

1205. *Between the bureaus of the War and Navy Departments, accounting for; exchanges permitted.*—Hereafter when one bureau of the War or Navy Departments procures, by purchase or manufacture, stores or material of any kind or performs any service for another bureau of such departments, the funds of the bureau or department for which the stores or material are to be procured or the service performed may be placed subject to the requisition of the bureau or department making the procurement or performing the service for direct expenditure by it: *Provided*, That when the stores being procured are for current issue during the year stores of equal value may be issued from stock on hand in place of any of those aforesaid.—*Act of Mar. 4, 1915 (38 Stat., 1084).*

1206. *Subsistence stores, to other bureaus and departments, price to be charged.*—Hereafter when under the Army Regulations subsistence supplies are furnished to another bureau of the War Department, or to another executive department of the Government or employees thereof, payment therefor shall be made in cash by the proper disbursing officer of the bureau, office, or department concerned, or by the employee to whom the sale is made. When the transaction is between two bureaus of the War Department the price to be charged shall be the contract or invoice price of the supplies. When the transaction is between the Subsistence Department and another executive department of the Government or employees thereof, the price to be charged shall include the contract or invoice price and ten per centum additional to cover wastage in transit, and the cost of transportation.—*Act of Mar. 3, 1911 (36 Stat., 1047).*

1207. *Horses and mules.*—The Secretary of War is hereby authorized upon the approval of this Act to sell for cash at either public or private sale such horses and mules as are not needed for either the Regular Army or the National Guard, and the proceeds shall be turned into the United States Treasury as miscellaneous receipts.—*Act of May 12, 1917 (40 Stat., 55).*

PUBLIC PUBLICATIONS.

DISTRIBUTION OF, ETC.

1208. Departmental distribution.—Government publication printed for or received by the executive departments, whether for official use or for distribution, shall be distributed by a competent person detailed to such duty in each department by the head thereof. He shall keep an account in detail of all publications received and distributed by him. He shall prevent duplication, and make detailed report to the head of the department, who shall transmit the same annually to Congress.—*Sec. 92, act of Jan. 12, 1895 (28 Stat., 623).*

1209. To be distributed by Public Printer.—That no money appropriated by this or any other act shall be used after the first day of October, nineteen hundred and twelve, for services in any executive department or other Government establishment at Washington, District of Columbia, in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, District of Columbia, or for the purchase of material or supplies to be used in such work; and on and after October first, nineteen hundred and twelve, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October first, nineteen hundred and twelve, each executive department and other Government establishment at Washington, District of Columbia, shall transfer to the Public Printer such machines, equipment, and materials as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, District of Columbia, shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, District of Columbia, wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the first day of October, nineteen hundred and twelve, and their salaries or compensation shall lapse for the remainder of the fiscal year nineteen hundred and thirteen and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, District of Columbia, in the annual estimates of appropriations: *Provided*, That nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information, printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and documents rooms of the Senate or House of Representatives.—*Sec. 8, act of Aug. 23, 1912 (37 Stat., 414).*

1210. Exchange of documents.—Heads of departments are authorized to exchange surplus documents for such other documents and books as may be

required by them, when the same can be done to the advantage of the public service.—*Sec. 95, act of Jan. 12, 1895 (28 Stat., 623).*

1211. Libraries of executive departments to be furnished copies of.—The libraries of the eight executive departments, of the United States Military Academy, and United States Naval Academy, are hereby constituted designated depositories of Government publications, and the superintendent of documents shall supply one copy of said publications, in the same form as supplies to other depositories, to each of said libraries.—*Sec. 98, ibid.*

PUBLIC RECORDS.

DESTRUCTION, FORGERY, ETC., OF.

1212. Destroying, etc., punishment therefor.—Whoever shall willfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate, obliterate, or destroy, or, with intent to conceal, remove, mutilate, obliterate, or steal, shall take or carry away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than two thousand dollars or imprisoned not more than three years, or both.—*Sec. 128, act of Mar. 4, 1909 (35 Stat., 1111).*

1213. Destruction, etc., by officer in charge.—Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in the preceding section, shall willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or thing, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both; and shall moreover forfeit his office and be forever afterwards disqualified from holding any office under the Government of the United States.—*Sec. 129, ibid., p. 1112.*

1214. Forging bonds, bids, public records, etc.—Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisoned not more than ten years, or both.—*Sec. 29, ibid., p. 1094.*

PUBLIC VEHICLES.

RESTRICTIONS AS TO USE OF.

1215. Personal use of prohibited.—No part of any money appropriated by this or any other act shall be available for paying expenses of horses and carriages or drivers therefor for the personal use of any officer provided for by this

or any other act than the President of the United States, the heads of the executive departments, and the Secretary to the President: *Provided*, That this provision shall not apply to officials outside of the District of Columbia in the performance of their public duties. This paragraph shall not take effect until July first, nineteen hundred and four.—*Sec. 3, act of Mar. 18, 1904 (33 Stat., 142)*.

1216. Same—Restriction on payment of expenses.—No part of any money appropriated by this or any other act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those for the use of the President of the United States, the heads of the executive departments, and the Secretary to the President, and other than those used for transportation of property belonging to or in the custody of the United States), for the personal or official use of any officer or employee of any of the executive departments or other Government establishments at Washington, District of Columbia, unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the executive department or other branch of the public service to which the same belong and in the service of which the same are used.—*Sec. 4, act of Feb. 3, 1905 (33 Stat., 687)*.

PUBLIC WORKS.

CONSTRUCTION, ETC., OF PUBLIC BUILDINGS.

1217. Permanent barracks and quarters.—Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed twenty thousand dollars, shall be erected except by special authority of Congress. It shall be the duty of all officers of the United States having any of the title papers (property purchased, or about to be purchased for erection of public buildings) in their possession, to furnish them forthwith to the Attorney General. No public money shall be expended until the written opinion of the Attorney General shall be had.—*Sec. 1136, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 242)*.

1218. Expenditures exceeding five hundred dollars to be made by contract, etc.—Hereafter no expenditures exceeding five hundred dollars shall be made upon any building or military post, or grounds about the same, without the approval of the Secretary of War for the same, upon detailed estimates of the Quartermaster's Department, and the erection, construction, and repairs of all buildings and other public structures in the Quartermaster's Department shall, so far as may be practicable, be made by contract, after due legal advertisement.—*Act of Feb. 27, 1893 (27 Stat., 484)*.

1219. Limit of cost, officers' quarters, etc.—Hereafter no money appropriated for military posts shall be expended for the construction of quarters for officers of the Army, or for barracks and quarters for the Artillery, the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of quarters of a general officer the sum of fifteen thousand dollars; of a colonel or an officer above the rank of captain, twelve thousand dollars; and of an officer of and below the rank of captain, nine thousand dollars.—*Sec. 1, act of June 25, 1910 (36 Stat., 721)*.

1220. Same—Officers' quarters, Philippine Islands.—No part of said sum shall be expended for the construction of quarters for officers of the Army the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of quarters of a general officer the sum of eight thousand dollars; of a colonel or officer above the rank of captain, six thousand dollars; and of an officer of and below the rank of captain, four thousand dollars. Barracks and quarters, Philippine Islands.—*Act of Mar. 2, 1915 (37 Stat., 717). See also annual appropriation acts.*

1221. Quarters for hospital stewards.—Hereafter the posts at which such quarters [for hospital stewards] shall be constructed shall be designated by the Secretary of War, and such quarters shall be built by contract, after legal advertisement, whenever the same is practicable.—*Act of Feb. 27, 1893 (27 Stat., 484).*

1222. Contracts not to exceed appropriations therefor.—Every officer of the Government who knowingly contracts for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be punished by imprisonment not less than six months nor more than two years, and shall pay a fine of two thousand dollars.—*Sec. 5503, R. S.*

1223. Barracks and quarters, Coast Artillery.—For the construction and enlargement of barracks and quarters for the Coast Artillery and of other buildings in connection with the adopted project for seacoast defenses * * * dollars, including the installation therein of plumbing, and the heating and lighting apparatus, to be expended as in the judgment of the Secretary of War may be necessary: *Provided*, That no part of this sum shall be used for the construction of officers' quarters to cost in excess of the limits established in the sundry civil appropriation act, approved May twenty-seventh, nineteen hundred and eight.—*Act of Mar. 4, 1909 (35 Stat., 1003). See also annual appropriation acts.*

1224. Barracks and quarters, seacoast defenses.—For the erection of barracks and quarters for artillery in connection with the project adopted for seacoast defense there shall not hereafter be expended at any one point more than one thousand two hundred dollars per man for each man required for one relief to man the guns at the post up to eighty-three men, the present permanent strength of a battery, enlisted and commissioned, and for each man required beyond this number six hundred dollars per man, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure.—*Act of June 6, 1900 (31 Stat., 624).*

1225. Preference to be given American material.—In all contracts for material for any public improvement the Secretary of War shall give preference to American material; and all labor thereon shall be performed within the jurisdiction of the United States.—*Sec. 2, act of Mar. 3, 1875 (18 Stat., 455).*

1226. Building contract not to exceed appropriations.—No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose.—*Sec. 3733, R. S.*

1227. Same—Penalty.—Whoever, being an officer of the United States, shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined not more than two thousand dollars and imprisoned not more than two years.—*Sec. 98, act of Mar. 4, 1909 (35 Stat., 1106).*

1228. Separate contract in each case.—Whenever the Secretary of War invites proposals for any works, or for any material or labor for works, there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work.—*Sec. 3717, R. S.*

1229. Equipment of bakehouses, post schools, kitchens, and mess halls.—For the current fiscal year and thereafter there may be expended from the appropriation for regular supplies the amounts required for the necessary equipments of the bakehouse to carry on post bakeries; for the necessary furniture, text-books, paper, and equipments of the post schools; for the tableware and mess furniture for kitchens and mess halls; * * * each and all for use of the enlisted men of the Army.—*Act of June 13, 1890 (26 Stat., 152). See also annual appropriation acts.*

1230. Military post exchanges.—For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school library, reading, lunch, amusement rooms, and gymnasium, including repairs to buildings erected at private cost, in the operation of the act approved May thirty-first, nineteen hundred and two, for the rental of films, purchase of slides, supplies for and making repairs to moving-picture outfits and for similar and other recreational purposes at training and mobilization camps now established, or which may be hereafter established, to be expended in the discretion and under the direction of the Secretary of War, * * * dollars: *Provided*, That not more than one hundred and twenty-five thousand dollars of this appropriation may be expended for personal services and no person shall be employed hereunder at a rate of compensation exceeding one thousand eight hundred dollars per annum.—*See annual appropriation acts.*

1231. Shooting galleries and ranges.—For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, such ranges and galleries to be open, as far as practicable, to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War.—*Act of Mar. 3, 1911 (36 Stat., 1053). See also annual appropriation acts.*

1232. Construction and repair duties to be performed by officers of the Quartermaster Corps.—All work pertaining to construction and repair that has heretofore been done by or under the direction of officers of the Quartermaster Corps shall, except as otherwise now provided by laws or regulations, hereafter be done by or under the direction of officers of said corps.—*Sec. 9, act of June 3, 1916 (39 Stat., 171).*

1233. Assistance of United States Geological Survey and Coast and Geodetic Survey authorized.—For the execution of topographic or other surveys, the securing of such extra topographic data as may be required, and the preparation and printing of maps required for military purposes, to be immediately

available and remain available until December thirty-first, nineteen hundred and eighteen: *Provided*, That the Secretary of War is authorized to secure the assistance, wherever practicable, of the United States Geological Survey, the Coast and Geodetic Survey, or other mapping agencies of the Government in this work, and to allot funds therefor to them from this appropriation.—*Act of May 12, 1917 (40 Stat., 62).*

EIGHT-HOUR LAW FOR LABORERS AND MECHANICS.

1234. *All public contracts to provide for; deduction from contract of amount of penalties for violations; right of action in Court of Claims.*—That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioner thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.—*Act of June 19, 1912 (37 Stat., 137).*

1235. *Certain contracts excepted; waiver of in time of war, etc.*—That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market,

except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section one of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent, and until January first, nineteen hundred and fifteen, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this act shall be construed to repeal or modify the act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," being chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, as modified by the acts of Congress approved February twenty-seventh, nineteen hundred and six, and June thirtieth, nineteen hundred and six, or apply to contracts which have been or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.—*Sec. 2, ibid.*

NOTE.—In this connection see also section 3733, Revised Statutes.

QUARTERMASTER CORPS.

ESTABLISHMENT OF.

1236. *Consolidation of Quartermaster's, Subsistence, and Pay Departments, etc.*—The office establishments of the Quartermaster General, the Commissary General, and the Paymaster General are hereby consolidated and shall hereafter constitute a single bureau of the War Department, which shall be known as the Quartermaster Corps, and of which the Chief of the Quartermaster Corps created by this act shall be the head. The Quartermaster's, Subsistence, and Pay Departments of the Army are hereby consolidated into and shall hereafter be known as the Quartermaster Corps of the Army. The officers of said departments shall hereafter be known as officers of said corps and by the titles of the rank held by them therein, and, except as hereinafter specifically provided to the contrary, the provisions of sections twenty-six and twenty-seven of the act of Congress approved February second, nineteen hundred and one, entitled "An act to increase the efficiency of the permanent military establishment of the United States," are hereby extended so as to apply to the Quartermaster Corps in the manner and to the extent to which they now apply to the Quartermaster's, Subsistence, and Pay Departments, and the provision of said sections of said act relative to chiefs of staff corps and departments shall, so far as they are applicable, apply to all offices and officers of the Quartermaster Corps with rank above that of colonel. The officers now holding commissions as officers of the said departments shall hereafter have the same tenure of commission in the Quartermaster Corps, and as officers of said corps shall have rank of the same grades and dates as that now held by him, and, for the purpose of

filling vacancies among them, shall constitute one list, on which they shall be arranged according to rank. So long as any officers shall remain on said list any vacancy occurring therein shall be filled, if possible, from among such officers, by selection if the vacancy occurs in a grade above that of colonel, and, if the vacancy occurs in a grade not above that of colonel, by the promotion of an officer who would have been entitled to promotion to that particular vacancy if the consolidation of departments hereby prescribed had never occurred: *Provided*, That on and after the first day of January, nineteen hundred and seventeen, any vacancies occurring among officers of the Quartermaster Corps with rank above that of colonel may, in the discretion of the President, be filled by selection from among officers who shall have served by detail in said corps for not less than four years: *Provided further*, That not to exceed six officers holding commissions with the rank of captain in the Quartermaster Corps and who have lost in relative rank through irregularities of promotion and the operation of separate promotion within the three departments hereby consolidated may, in the discretion of the President and subject to examination for promotion as prescribed by law, be advanced to the grade of major in the Quartermaster Corps, and any officer who shall be advanced to said grade under the terms of this proviso shall be temporarily an additional officer of said grade but only until a vacancy shall occur for him on the list of officers of said grade as hereafter limited; and no officer shall be detailed to fill any vacancy on the list of majors of the Quartermaster Corps until after all additional officers authorized by the proviso shall have been absorbed. The noncommissioned officers now known as post quartermaster sergeants and post commissary sergeants shall hereafter be known as quartermaster sergeants; paymasters' clerks shall be known as pay clerks, and each of said noncommissioned officers and pay clerks shall continue to have the pay, allowances, rights, and privileges now allowed him by law: *Provided further*, That no details to fill vacancies in the grade of colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by three, and thereafter the number of officers in that grade shall not exceed twelve; and no details to fill vacancies in the grade of lieutenant colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by three, and thereafter the number of officers of that grade shall not exceed eighteen; and no details to fill vacancies in the grade of major in the Quartermaster Corps shall be made until the number of Officers of that grade shall have been reduced by nine, and thereafter the number of officers in said grade shall not exceed forty-eight; and no details to fill vacancies in the grade of captain in the Quartermaster Corps shall be made until after the number of officers of that grade shall be reduced by twenty-nine, and thereafter the number of officers of said grade shall not exceed one hundred and two; and whenever the separation of a line officer of any grade and arm from the Quartermaster Corps shall create therein a vacancy that under the terms of this proviso can not be filled by detail such separation shall operate to make a permanent reduction of one in the total number of officers of said grade and arm in the line of the Army as soon as such reduction can be made without depriving any officer of his commission: *Provided further*, That whenever the Secretary of War shall decide that it is necessary and practicable, regimental, battalion, and squadron quartermasters and commissaries shall be required to perform any duties that junior officers of the Quartermaster Corps may properly be required to perform, and regimental and battalion quartermaster and commissary sergeants shall be required to perform any duties that noncommissioned officers or pay clerks of the Quartermaster Corps may properly be required to perform, but such regimental, battalion, and squadron quarter-

masters and commissaries shall not be required to receipt for any money or property which does not pertain to their respective regiments, battalions, or squadrons, and they shall not be separated from the organization to which they belong: *Provided further*, That such duty or duties as are now required by law to be performed by any officer or officers of the Quartermaster's, Subsistence, or Pay Departments shall hereafter be performed by such officer or officers of the Quartermaster Corps as the Secretary of War may designate for the purpose: *Provided further*, That there shall be a Chief of the Quartermaster Corps, who shall have the rank of major general while so serving, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among the officers of said corps and in accordance with the requirements of section twenty-six of the act of Congress approved February second, nineteen hundred and one, hereinbefore cited: *Provided further*, That when the first vacancy in the grade of brigadier general in the Quartermaster Corps, except a vacancy caused by the expiration of a limited term of appointment, shall hereafter occur that vacancy shall not be filled, but the office in which the vacancy occurs shall immediately cease and determine: *Provided further*, That the Quartermaster Corps shall be subject to the supervision of the Chief of Staff to the extent the departments hereby consolidated into said corps have heretofore been subject to such supervision under the terms of the existing law: *And provided further*, That for the purpose of carrying into effect the provisions of this section the President is hereby authorized to appoint, by and with the advice and consent of the Senate, the Chief of the Quartermaster Corps herein provided for immediately upon the passage of this act, and it shall be the duty of the said chief, under the direction of the President and the Secretary of War, to put into effect the provisions of this section not less than sixty days after the passage of this act.—*Act of Aug. 24, 1912 (37 Stat., 591).*

1237. *Change in designation of Chief of.*—Hereafter the title of the Chief of the Quartermaster Corps shall be Quartermaster General of the Army.—*Act of Apr. 27, 1914 (38 Stat., 356).*

1238. *Certain civilian employees and all enlisted men of the line detailed on extra duty to be replaced by enlisted men of the Corps; composition of, etc.*—That as soon as practicable after the creation of a Quartermaster Corps in the Army not to exceed four thousand civilian employees of that corps, receiving a monthly compensation of not less than thirty dollars nor more than one hundred and seventy-five dollars each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, civil-service employees, and employees of the classified service, employees of the Army transport service and harbor-boat service, and such other employees as may be required for technical work, shall be replaced permanently by not to exceed an equal number of enlisted men of said corps, and all enlisted men of the line of the Army detailed on extra duty in the Quartermaster Corps or as bakers or assistant bakers shall be replaced permanently by not to exceed two thousand enlisted men of said corps; and for the purposes of this act the enlistment in the military service of not to exceed six thousand men, who shall be attached permanently to the Quartermaster Corps and who shall not be counted as a part of the enlisted force provided by law, is hereby authorized: *Provided*, That the enlisted force of the Quartermaster Corps shall consist of not to exceed fifteen master electricians, six hundred sergeants (first-class), one thousand and five ser-

geants, six hundred and fifty corporals, two thousand and five hundred privates (first-class), one thousand one hundred and ninety privates, and forty-five cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades in the Signal Corps of the Army, and shall be assigned to such duties pertaining to the Quartermaster Corps as the Secretary of War may prescribe: *Provided further*, That the Secretary of War may fix the limits of age within which civilian employees who are actually employed by the Government when this act takes effect and who are to be replaced by enlisted men under the terms of this act may enlist in the Quartermaster Corps: *Provided further*, That nothing in this section shall be held or construed so as to prevent the employment of the class of civilian employees excepted from the provisions of this act or the continued employment of civilians included in the act until such latter employees have been replaced by enlisted men of the Quartermaster Corps.—*Act of Aug. 24, 1912 (37 Stat., 593)*.

1239. Pay clerks; no further appointments.—Hereafter no further appointments of pay clerks shall be made.—*Act of Mar. 2, 1913 (37 Stat., 708)*.

1240. Enlisted force; pay and allowances, etc.—The enlisted force of the Quartermaster Corps shall consist of not to exceed fifteen master electricians, three hundred and eighty sergeants (first-class), one thousand two hundred and forty sergeants, six hundred corporals, two thousand nine hundred and twenty privates (first-class), seven hundred and fifty privates, and ninety-five cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades in the Signal Corps of the Army, and shall be assigned to such duties pertaining to the Quartermaster Corps as the Secretary of War may prescribe.—*Act of Mar. 4, 1915 (38 Stat., 1066)*. (See par. 1245.)

COMPOSITION OF.

1241. Officers of.—The Quartermaster Corps shall consist of one Quartermaster General with the rank of major general; two assistants to the Quartermaster General with the rank of brigadier general; twenty-one colonels; twenty-four lieutenant colonels; sixty-eight majors; one hundred and eighty captains; and the pay clerks now in active service, who shall hereafter have the rank, pay, and allowances of a second lieutenant, and the President is hereby authorized to appoint and commission them, by and with the advice and consent of the Senate, second lieutenants in the Quartermaster Corps, United States Army.—*Sec. 9, act of June 3, 1916 (39 Stat., 170)*.

1242. Reserve Corps and National Army; commissions to grade of first and second lieutenant.—That during the existing emergency the President is authorized, in addition to the grades now authorized, to appoint in the Officers' Reserve Corps and the National Army in the grades of second and first lieutenant in the Quartermaster Corps, * * * such citizens as shall be found physically, mentally, and morally qualified for appointment.—*Act of Oct. 6, 1917 (40 Stat., 393)*.

1243. Promotions in staff corps and departments.—That so long as there remain any officers holding permanent appointments in the * * * Quartermaster's Department, the Subsistence Department, the Pay Department * * * including those appointed to original vacancies in the grades of captain and first lieutenant under the provisions of sections sixteen, seventeen,

twenty-one, and twenty-four of this act, they shall be promoted according to seniority in the several grades, as now provided by law, and nothing herein contained shall be deemed to apply to vacancies which can be filled by such promotions or to the periods for which the officers so promoted shall hold their appointments.—*Sec. 26, act of Feb. 2, 1901 (31 Stat., 755).*

1244. Vacancies; to be filled by details.—When any vacancy, except that of the chief of the department or corps, shall occur which can not be filled by promotion as provided in this section, it shall be filled by detail from the line of the Army, and no more permanent appointments shall be made in those departments or corps after the original vacancies created by this act shall have been filled. Such details shall be made from the grade in which the vacancies exist, under such system of examination as the President may from time to time prescribe.—*Ibid.*

1245. Enlisted men of, grades, etc.—The total enlisted strength of the Quartermaster Corps and the number in each grade shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of quartermaster sergeants, senior grade; quartermaster sergeants; sergeants, first class; sergeants; corporals; cooks; privates, first class; and privates. The number in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Quartermaster Corps, namely: Quartermaster sergeants, senior grade, five-tenths of one per centum; quartermaster sergeants, six per centum; sergeants, first class, two and five-tenths per centum; sergeants, twenty-five per centum; corporals, ten per centum; privates, first class, forty-five per centum; privates, nine per centum; cooks, two per centum.—*Ibid.*

1246. Quartermaster sergeants, senior grade; former master electricians to be known as.—The master electricians now authorized by law for the Quartermaster Corps shall hereafter be known as quartermaster sergeants, senior grade, and shall be included in the number of quartermaster sergeants, senior grade, herein authorized.—*Ibid.*

1247. Quartermaster sergeants, selection of.—Hereafter the Secretary of War is authorized to appoint * * * quartermaster sergeants, Quartermaster Corps, not to exceed the number provided for by law, * * * said quartermaster sergeants to be selected from the most competent noncommissioned officers of the Army, who shall have served therein at least five years, three years of such service having been rendered as noncommissioned officers, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to the proper officers of the Army in charge of public property.—*Act of Mar. 4, 1915 (38 Stat., 1066).*

THE QUARTERMASTER GENERAL OF THE ARMY.

DUTIES OF.

1248. On receipt of monthly report of chief clerk.—Each head of a department, chief of a bureau, or other superior officer shall, upon receiving each monthly report of his chief clerk, rendered in pursuance to the preceding section, examine the facts stated therein, and take such measures, in the exercise of the powers conferred upon him by law, as may be necessary and proper to amend any existing defects in the arrangement or dispatch of business disclosed by such report.—*Sec. 175, R. S.*

1249. *Statement to be rendered annually as to condition of business, etc.*—It shall be the duty of the head of each executive department or other Government establishment in the city of Washington to submit to the first regular session of the Fifty-fourth Congress, and annually thereafter, in the Annual Book of Estimates, a statement as to the condition of business in his department or other Government establishment, showing whether any part of the same is in arrears, and if so, in what divisions of the respective bureaus and offices of his department or other Government establishment such arrears exist, the extent thereof, and the reasons therefor, and also a statement of the number and compensation of employees appropriated for in one bureau or office who have been detailed to another bureau or office for a period exceeding one year.—*Sec. 7, act of Mar. 2, 1895 (28 Stat., 808).*

1250. *Statement to be rendered annually as to number of employees, etc.*—Hereafter it shall be the duty of the heads of the several executive departments of the Government to report to Congress each year in the annual estimates the number of employees in each bureau and office and the salaries of each who are below a fair standard of efficiency.—*Sec. 2, act of July 11, 1890 (26 Stats., 268).*

1251. *Regulations for government of corps to be prescribed by.*—The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.—*Sec. 161, R. S.*

1252. *Statement of traveling expenses of officials.*—It shall be the duty of the head of each executive department and other Government establishment at Washington to submit to Congress at the beginning of each regular session a statement showing in detail what officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) of such executive department or other Government establishment have traveled on official business from Washington to points outside of the District of Columbia during the preceding fiscal year, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to be United States charged in each case.—*Sec. 4, act of May 22, 1908 (35 Stat., 244).*

1253. *Accommodations for horses, carriages, etc., of President to be provided by.*—The Quartermaster General of the Army shall provide suitable accommodations for the horses, carriages, and other vehicles of the President and of the Executive Office, in the stables maintained in the District of Columbia by and for the use of his department.—*Sec. 1, act of Mar. 4, 1911 (36 Stat., 1404).*

RENTALS.

BUILDINGS FOR PUBLIC USE.

1254. *In the District of Columbia.*—Where buildings are rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That no increase in the number of buildings now in use, nor in the amounts paid for rents, shall result therefrom.—*Sec. 1, act of Aug. 5, 1882 (22 Stat., 241).*

1255. Restriction.—*Must be appropriated for in each case.*—Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building.—*Act of Mar. 3, 1877 (19 Stat., 370).*

1255a. Statement to be rendered annually.—It shall be the duty of the heads of the several executive departments to submit to Congress each year, in the annual estimates of appropriations, a statement of the number of buildings rented by their respective departments, the purpose for which rented, and the annual rental of each.—*Sec. 1, act of Mar. 3, 1883 (22 Stat., 552).*

1256. Same.—That hereafter it shall be the duty of the Secretary of the Treasury to cause to be prepared and submitted to Congress each year in the annual Book of Estimates of appropriations, a statement of the buildings rented within the District of Columbia for the use of the Government, the purpose for which rented, and the annual rental of each.—*Sec. 1, act of July 16, 1892 (27 Stat., 199).*

1257. Statement to include details of floor space, etc.—Hereafter the statement of buildings rented within the District of Columbia for use of the Government, required by the act of July sixteen, eighteen hundred and ninety-two (Statutes at Large, volume twenty-seven, page one hundred and ninety-nine), shall indicate as to each building rented the area thereof in square feet of available floor space for Government uses, the rate paid per square foot for such floor space, the assessed valuation of each building, and what proportion, if any, of the rental paid includes heat, light, elevator, or other service.—*Sec. 3, act of May 1, 1913 (38 Stat., 3).*

TELEPHONE AND TELEGRAPH SERVICE.

1258. Government to have priority in transmission of messages.—Telegrams between the several departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster General shall annually fix. And no part of any appropriation for the several Departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section.—*Sec. 5266, R. S.*

1259. Expenditures for, in private residences restricted.—That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed.—*Sec. 7, act of Aug. 23, 1912 (37 Stat., 414).*

TEMPORARY VACANCIES.

CHIEFS OF BUREAUS, SECRETARY OF WAR, ETC.

1260. Chiefs of bureaus.—In case of the death, resignation, absence, or sickness of the chief of any bureau, or of any officer thereof, whose appointment is not vested in the head of the department, the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of such bureau, shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease.—*Sec. 178, R. S.*

1261. Secretary of War.—The President may authorize and direct the Commanding General of the Army or the chief of any military bureau of the War Department to perform the duties of the Secretary of War under the provisions of section one hundred and seventy-nine of the Revised Statutes, and section twelve hundred and twenty-two of the Revised Statutes shall not be held or taken to apply to the officer so designated by reason of his temporarily performing such duties.—*Sec. 1, act of Aug. 5, 1882 (22 Stat., 238).*

1262. Attorney General.—In any of the cases mentioned in the two preceding sections, except the death, resignation, absence, or sickness of the Attorney General, the President may, in his discretion, authorize and direct the head of any other department or any other officer in either department, whose appointment is vested in the president, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed or the sickness or absence of the incumbent shall cease.—*Sec. 179, R. S.*

1263. Limited to thirty days.—A vacancy occasioned by death or resignation must not be temporarily filled under the three preceding sections for a longer period than thirty days.—*Sec. 180, R. S., as amended by act of Feb. 6, 1891 (26 Stat., 733).*

1264. Extra compensation not allowed.—An officer performing the duties of another office, during a vacancy, is authorized by sections one hundred and seventy-seven, one hundred and seventy-eight (*Rev. Stat.*), and one hundred and seventy-nine (*id.*), is not by reason thereof entitled to any other compensation than that attached to his proper office.—*Sec. 182, R. S.*

TRANSPORTATION.

THE ARMY AND ITS SUPPLIES.

1265. Transportation of troops, etc., Secretary of War to have control, etc., of.—The transportation of troops, munitions of war, equipments, military property, and stores, throughout the United States, shall be under the immediate control and supervision of the Secretary of War and such agents as he may appoint.—*Sec. 220, R. S.*

1266. Appropriation for.—For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including the cost of packing and crating; for trans-

portation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to enlisted men on discharge, and members of the National Guard who have been mustered into the service of the United States and are discharged for physical disabilities; * * * of persons on their discharge from the United States disciplinary barracks or from any place in which they have been held under a sentence of dishonorable discharge and confinement for more than six months, or from the Government Hospital for the Insane after transfer thereto from such barracks or place, to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and other employees, including per diem allowances in lieu of subsistence not exceeding \$4 for those authorized to receive the per diem allowance; of clothing and equipage and other quartermaster stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipment; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts and Army depots; for payment of wharfage, tolls, and ferriages; for transportation of funds of the Army; for the hire of employees; * * *.—*Annual appropriation act.*

1267. Land-grant railroads.—For the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than fifty per centum of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose, restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *And provided further*, That nothing in the preceding provisos shall be construed to prevent the accounting officers of the Government from making full payment to land-grant railroads for transportation of property or persons where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant act.—*Annual appropriation act.*

1268. *Transportation of troops, etc.; preference to be given in time of war; prompt delivery in time of peace; embargoes prohibited.*—In time of war or threatened war preference and precedence shall, upon demand of the President of the United States, be given over all other traffic for the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic. And in time of peace shipments consigned to agents of the United States for its use shall be delivered by the carriers as promptly as possible and without regard to any embargo that may have been declared, and no such embargo shall apply to shipments so consigned.—*Act of Aug. 29, 1916 (39 Stat., 604).*

1269. *Same.—Exclusive control of systems in time of war.*—The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable.—*Act of Aug. 29, 1916 (39 Stat., 645).*

1270. *Motor vehicles, what shall constitute; in the District of Columbia to be registered and furnished identification tags free of cost.*—The term "motor vehicles" used herein shall include all vehicles propelled by internal-combustion engines, electricity, or steam, except traction engines, road rollers, and vehicles propelled only upon rails and tracks. Motor vehicles owned and maintained in the District of Columbia by the United States or the government of the District of Columbia shall be registered and furnished identification tags without cost.—*Act of Mar. 3, 1917 (39 Stat., 1012).*

1271. *Transportation of baggage, enlisted men, ten or more years' service.*—Hereafter when an enlisted man having ten or more years' service in the Army is discharged on account of disability incurred in the line of duty, transportation of his authorized change of station allowance of baggage from his last duty station to his home, in addition to other travel allowances fixed by law, may be authorized by the Secretary of War.—*Act of Aug. 29, 1916 (39 Stat., 633).*

1272. *Excess baggage.*—For transportation of the Army and its supplies, including transportation of troops when moving either by land or water, and of their baggage, including the cost of packing and crating: *Provided*, That hereafter baggage in excess of regulation change of station allowances may be shipped with such allowances, and reimbursement collected for transportation charges on such excess.—*Act of Mar. 23, 1910 (36 Stat., 255).*

1273. *Officers on official duties.*—Hereafter in the performance of their official and military duties officers of the Army are authorized, under such regulations as may be established by the Secretary of War, to use means of transportation herein provided for.—*Act of Mar. 3, 1911 (36 Stat., 1051).*

1274. *Private mounts of officers.*—Hereafter transportation may be furnished for the owned horses of an officer not exceeding the number authorized by law, from point of purchase to his station, when he would have been entitled to and did not have his authorized number of owned horses shipped upon his last change of station, and when the cost of shipment does not exceed that from his old to his new station.—*Act of Mar. 23, 1910 (36 Stat., 255).*

1275. *Same.—In excess of authorized number.*—Hereafter private mounts of officers in excess of the authorized mounts may be shipped on Government bill of lading with authorized mounts, and reimbursement collected for transportation charges on such excess mounts.—*Act of Apr. 27, 1914 (38 Stat., 365).*

1276. *Transportation to persons to whom artificial limbs are furnished.*—The Secretary of War is authorized and directed to furnish to the persons embraced by the provisions of section forty-seven hundred and eighty-seven, transportation to and from their homes and the place where they may be required to go to obtain artificial limbs provided for them under authority of law. The necessary transportation to have artificial limbs fitted shall be furnished by the Quartermaster General of the Army, the cost of which shall be refunded out of any money appropriated for the purchase of artificial limbs.—*Act of Aug. 15, 1876 (19 Stat., 203).*

1277. *Transportation of property of other departments.*—Hereafter the Quartermaster General and his officers, under his instructions wherever stationed, shall receive, transport, and be responsible for all property turned over to them, or any one of them, by the officers or agents of any Government survey, for the National Museum, or for civil or naval departments of the Government, in Washington or elsewhere, under the regulations governing the transportation of Army supplies, the amount paid for such transportation to be refunded or paid by the bureau to which such property or stores pertain.—*Act of July 5, 1885 (23 Stat., 111).*

OF ANIMALS.

1278. *Time limit for continuous confinement on cars and vessels.*—No railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours.—*Act of June 29, 1906 (34 Stat., 607).*

1279. Feeding cattle at owners expense during transportation.—The animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section one of this act; but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires.—*Sec. 2, ibid.*

1280. Penalty for noncompliance with requirements.—Any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply.—*Sec. 3, ibid.*

TRANSPORTS, HARBOR BOATS, ETC.

1281. Tolls, etc., not to be levied or collected, etc.—No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation, now belonging to the United States or that may be hereafter acquired or constructed.—*Sec. 4, act of July 5, 1884 (23 Stat., 147), as amended by act of Mar. 3, 1909 (35 Stat., 818).*

1282. Steamships, etc., may be taken by United States as cruisers or transports; appraisement.—Any steamships so registered under the provisions of this act may be taken and used by the United States as cruisers or transports upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value at the time of the taking between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, who, in case of disagreement, shall select a third, the award of any two of the three so chosen to be final and conclusive.—*Sec. 4, act of May 10, 1892 (27 Stat., 28).*

1283. Use of transports, restriction, etc.—When, in the opinion of the Secretary of War, accommodations are available, transportation may be provided for the officers, enlisted men, employees, and supplies of the Navy, the Marine Corps, and for members and employees of the Philippine and Hawaiian Governments, officers of the War Department, Members of Congress, other officers of the Government while traveling on official business, and without expense to the United States, for the families of those persons herein authorized to be transported, and when accommodations are available, transportation may be provided for

general passengers to the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War.—*Act of Mar. 2, 1907 (34 Stat., 1170).*

1284. Same.—Extended to include the Revenue-Cutter Service and Young Men's Christian Association.—Hereafter when, in the opinion of the Secretary of War, accommodations are available, transportation on vessels of the Army transport service may be furnished the officers, employees, and enlisted men of the Revenue-Cutter Service, and their families, without expense to the United States, and also secretaries and supplies of the Army and Navy Departments of the Young Men's Christian Association.—*Act of Mar. 3, 1911 (36 Stat., 1051).*

1285. Same.—Extended to include merchandise of American production to the island of Guam.—Hereafter where there is cargo space available without displacing military supplies, transportation may be provided for merchandise of American production consigned to residents and mercantile firms of the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War.—*Act of Mar. 3, 1911 (36 Stat., 1051).*

1286. Detail of naval officers for inspection of transports.—The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War.—*Sec. 1437 R. S.*

1287. American vessels to be used in transporting Army and Navy supplies; charges.—Vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy, unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists: *Provided*, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.—*Act of Apr. 28, 1904 (33 Stat., 518).*

1288. Same.—Restriction relating to certain foreign vessels removed.—The provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaged in trade between the Philippine Islands and the United States.—*Act of Apr. 29, 1908 (35 Stat., 70).*

1289. Sale of transports restricted.—Hereafter no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained.—*Act of Mar. 2, 1905 (33 Stat., 837).*

1290. Sale of transports Meade and Crook, authority for.—Authority is hereby granted the Secretary of War to sell or otherwise dispose of, in accordance with law and regulations, the United States Army transports Meade and Crook.—*Act of Aug. 29, 1916 (39 Stat., 634).*

1291. Discontinuance of transport service restricted.—No action looking to the discontinuance of the transport service shall be taken without further action of Congress.—*Act of Mar. 2, 1903 (32 Stat., 939).*

1292. United States Shipping Board created.—A board is hereby created, to be known as the United States Shipping Board, and hereinafter referred to as the board.—*Sec. 3, act of Sept. 7, 1916 (39 Stat., 729).*

1293. Same.—Authority to build, purchase, charter, etc., vessels for use as transports, etc.—The board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards, or to purchase, lease, or charter, vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes, and to make necessary repairs on and alterations of such vessels.—*Sec. 5, ibid.*

1294. Same.—Transfer of certain Government-owned vessels to board.—The President may transfer either permanently or for limited periods to the board such vessels belonging to the War or Navy Department as are suitable for commercial uses and not required for military or naval use in time of peace, and cause to be transferred to the board vessels owned by the Panama Railroad Company and not required in its business.—*Sec. 6, ibid.*

1295. Same.—Sale, etc., of unserviceable vessels.—When any vessel purchased or constructed by or transferred to the board as herein provided and owned by the United States, becomes, in the opinion of the board, unfit for the purposes of this act, it shall be appraised and sold at public or private competitive sale after due advertisement free from the conditions and restrictions of this act.—*Sec. 8, ibid.*

1296. Appropriation for purchase and repair, etc., of.—For the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans, * * *.—*Annual appropriation act.*

1297. Wharfage dues, Military Academy.—The Secretary of War is authorized to have collected from vessels using the wharf and ferry at West Point, New York, such wharfage dues as he may deem just, reasonable, and necessary, the same to be paid at the time of landing to the post quartermaster or his authorized agent.—*Act of Mar. 4, 1915 (38 Stat., 1137).*

TRANSPORTATION BY WATER.

LIGHTHOUSE SERVICE.

1298. Transfer of vessels, etc., to Army and Navy in emergencies.—The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the Navy Department, or of the War Department, such vessels, equipment, stations, and personnel of the Lighthouse Service as he may deem to the best interest of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made.—*Act of Aug. 29, 1916 (39 Stat., 602).*

1299. Same.—Return of on termination.—That such vessels, equipment, stations, and personnel shall be returned to the Lighthouse Service when such

national emergency ceases in the opinion of the President, and nothing in this act shall be construed as transferring the Lighthouse Service or any of its functions from the Department of Commerce except in time of national emergency and to the extent herein provided.—*Ibid.*

1300. *Same.*—*Personnel subject to Army and Navy rules during transfer.*—That any of the personnel of the Lighthouse Service who may be transferred as herein provided shall, while under the jurisdiction of the Navy Department or War Department, be subject to the laws, regulations, and orders for the government of the Navy or Army, as the case may be, in so far as the same may be applicable to persons whose retention permanently in the military service of the United States is not contemplated by law.—*Ibid.*

1301. *Same.*—*Preparation of regulations, etc., for cooperation.*—The Secretary of the Navy, the Secretary of War, and the Secretary of Commerce shall jointly prescribe regulations governing the duties to be performed by the Lighthouse Service in time of war, and for the cooperation of that service with the Navy and War Departments in time of peace in preparation for its duties in war, and this may include arrangements for a direct line of communication between the officers or bureaus of the Navy and War Departments and the Bureau of Lighthouses to provide for immediate action on all communications from these departments.—*Ibid.*

THE UNIFORM OF THE ARMY.

1302. *The uniform to be prescribed by the President.*—The President may prescribe the uniform of the Army and quantity and kind of clothing which shall be issued annually to the troops of the United States.—*Sec. 1296, R. S.*

NOTE.—Under authority conferred by this section the President directed that campaign badges with ribbons be issued as articles of uniform to officers and enlisted men in the service. (See G. O. No. 4, W. D., 1905, as amended by G. O. 129, W. D., 1908; also G. O. Nos. 96 and 97, W. D., 1909. For decision of Judge Advocate General relative to campaign badges forming a portion of the prescribed uniform, etc., see Dig. Op. J. A. G., 1912, p. 688.)

1303. *Unauthorized wearing of, unlawful.*—It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps.—*Sec. 125, act of June 3, 1916 (39 Stat., 216).*

1304. *The Coast Guard not prohibited from wearing.*—Section one hundred and twenty-five of the act entitled "An act for further and more effectual provision for the national defense, and for other purposes," approved June third, nineteen hundred and sixteen, shall apply to the Coast Guard in the same manner as to the Army, Navy, and Marine Corps.—*Act of Aug. 29, 1916 (39 Stat., 649).*

1305. *Use of specified uniforms permitted National Guard, Boy Scouts, Naval Militia, war veterans on ceremonious occasions, discharged men returning home, military societies, school cadets and instructors, civilians attending instruction camps, actors, etc., professionally.*—The foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard

from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the Naval Militia, or such other organizations as the Secretary of War may designate, from wearing their prescribed uniforms; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing upon occasions of ceremony the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing upon occasions of ceremony the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing while in attendance upon such course of instruction the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps.—*Sec. 125, act of June 3, 1916 (39 Stat., 216).*

1306. Distinctive mark required.—The uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso, shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps.—*Ibid.*

1307. Restriction on insignia of rank.—The members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto.—*Ibid.*

1308. Punishment for violations.—Any person who offends against the provisions of this section shall on conviction be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.—*Ibid.*

. USELESS PAPERS.

1309. Disposition of; report to be rendered, etc.—Whenever there shall be in any one of the executive departments of the Government an accumulation of files of papers, which are not needed or useful in the transaction of the current business of such department and have no permanent value or historical interest, it shall be the duty of the head of such department to submit to Congress report of that fact, accompanied by a concise statement of the condition and character of such papers. And upon the submission of such report, it shall be the duty of the presiding officer of the Senate to appoint two Senators, and of the Speaker of the House of Representatives to appoint two Representatives, and the Senators and Representatives so appointed shall constitute a joint committee, to which shall be referred such report, with the accompanying statement of the condition and character of such papers, and such joint committee shall meet and examine such report and statement and the papers therein described, and submit to the Senate and House, respectively, a report of such examination and their recommendation.

And if they report that such files of papers, or any part thereof, are not needed or useful in the transaction of the current business of such Department, and have no permanent value or historical interest, then it shall be the duty of such head of the department to sell as waste paper, or otherwise dispose of, such files of papers upon the best obtainable terms after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States, and make report thereof to Congress.—*Act of Feb. 16, 1889 (25 Stat., 672).*

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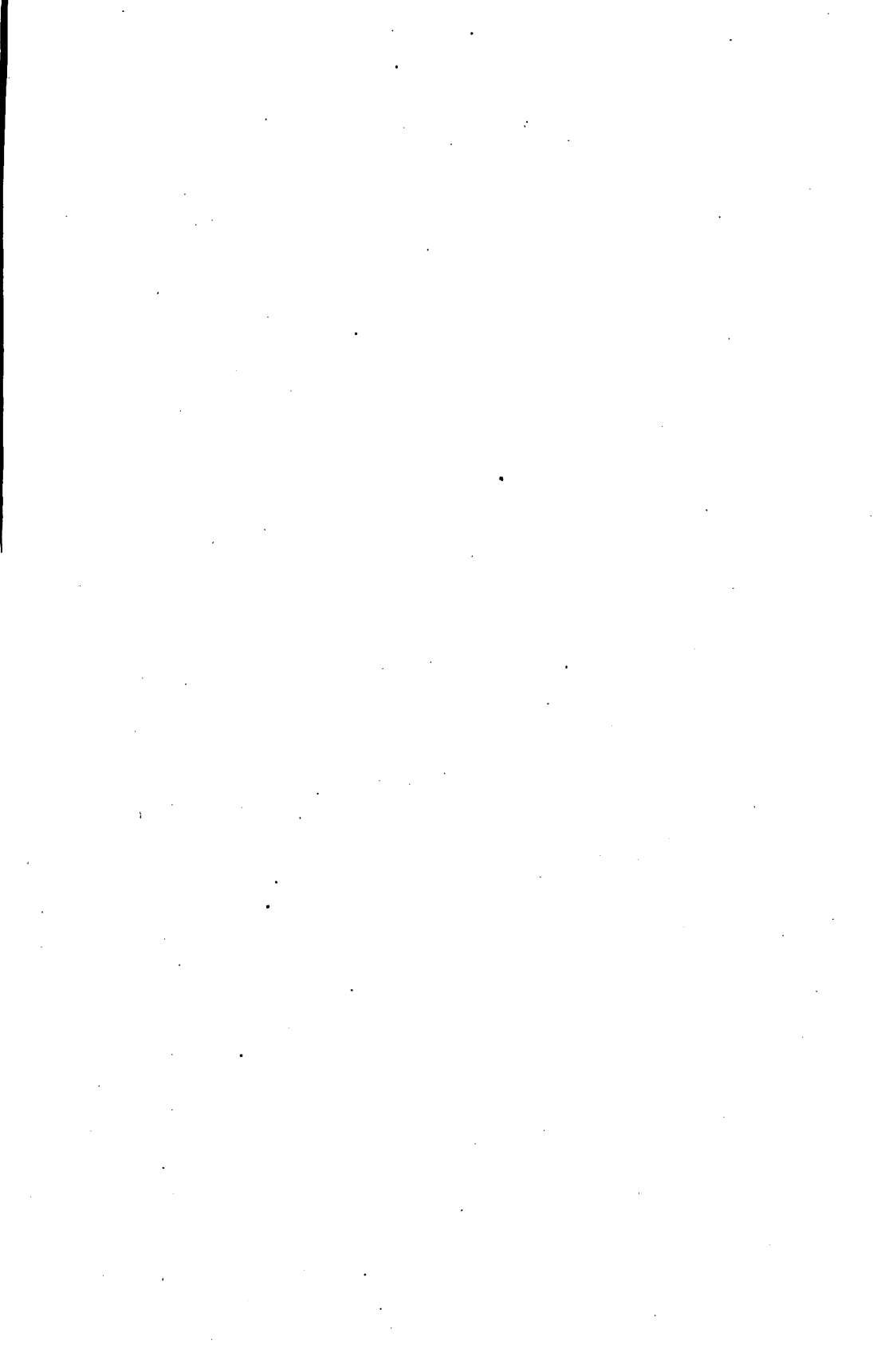
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